



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

HEARING DATE: APRIL 2, 2015

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* April 2, 2015  
*Case No.:* **2013.0973ECVX**  
*Project Address:* **150 VAN NESS AVENUE**  
*Zoning:* C-3-G (Downtown General)  
Van Ness & Market Downtown Residential Special Use District  
120-R-2 Height and Bulk District  
*Area Plan:* Market and Octavia  
*Block/Lot:* 0814/001, 14, 15, 16 and 21  
*Project Sponsor:* Marc Babsin  
Emerald Fund  
532 Folsom Street, Suite 400  
San Francisco, CA 94105  
*Staff Contact:* Gonzalo Mosquera – (415) 575-9165  
[gonzalo.mosquera@sfgov.org](mailto:gonzalo.mosquera@sfgov.org)

### ERRATA TO PLANNING COMMISSION PACKETS

The Planning Department published and issued a staff report packet with draft motions regarding a request for 309 Downtown Project Authorization and Conditional Use Authorization for a project located at 150 Van Ness Avenue (Case No. 2013.0973ECVX). A subsequent review of the draft motions by the Project Sponsor resulted in comments routed to Planning. Staff has determined that minor typos and other non-substantive deletions to the draft motions are necessary and will be included in the final motions. The non-substantive deletions are:

#### 1) 2013.0973 ECVX Draft Motion for Downtown Project Authorization

- Item S – Analysis for compliance with Section 207.6 Dwelling Unit Mix will be deleted since it does not apply to C-3 districts.
- Item Y – In the analysis for Section 416 Market & Octavia Affordable Housing Fee, a reference to the “Fee Deferral Program” will be deleted because it expired (Section 107A.13.3 of the San Francisco Building Code).
- Item BB – The analysis for Section 421.5 Market & Octavia Community Improvement Fund was already provided in Item Z, and therefore Item BB will be deleted.

#### 2) 2013.0973 ECVX Draft Motion for Conditional Use Authorization

- Under “DECISION” and “EXHIBIT A – AUTHORIZATION,” reference to Section 218 Retail Sales and Personal Services will be deleted since it does not apply to the project.

<b>RECOMMENDATION:</b> Approval with Conditions
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# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary

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*Recommendation:* **Approval with Conditions**

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## PROJECT DESCRIPTION

The proposed project includes demolition of two existing office buildings, four parking lots and the pedestrian bridge over Hayes Street, and new construction of a 120 foot, 450,577 square foot, 13-story building with approximately 420 dwelling units, three guest suites, 9,000 square feet of ground floor retail, 210 off-street parking spaces and 263 bicycle parking spaces (a mix of Class 1 and Class 2). The project includes a mix of studio, one, two and three bedroom units, a multi-use space, fitness room and yoga studio, bike repair, pet wash, tech shop, lounges, a theater and third floor pool deck. A total of 16,368 sf of common open space is required and provided on a terrace and the balance on the roof, which also satisfies the common usable open space requirements for 18 dwelling units located at the adjacent 100 Van Ness project. Private usable open space is provided for 79 units via balconies and private courtyards. The project includes 50 inclusionary affordable housing units (12% of total), provided on site. The existing parking entrance for 100 Van Ness, along Van Ness Avenue, will be eliminated and a shared parking entrance will be provided on Hayes Street for both 150 Van Ness and 100 Van Ness.

## **SITE DESCRIPTION AND PRESENT USE**

The proposed project is located across five separate lots that occupy the entire southern block face of Hayes Street between Van Ness Avenue and Polk Street. Lot 014 at the southeast intersection of Van Ness Avenue and Hayes Street is occupied by a vacant 8-story commercial building with a 9-story addition (155 Hayes Street) that encroaches into a portion of the adjacent lot 015. A pedestrian bridge crosses Hayes Street at the second story to connect this portion of the structure to the office building across the street (150 Hayes Street). A majority of lot 015 as well as lots 016, 021 and 001 are occupied by surface parking lots.

The subject building at 150 Van Ness Avenue was constructed circa 1925 with the addition at 155 Hayes constructed in 1958 as part of the complex of California State Automobile Association (CSAA) building. In addition to the subject properties, the former CSAA complex also included 150 Hayes Street (1967) and the pedestrian bridge (1968) connecting it to the subject building and 100 Van Ness Avenue. The structure at 150 Van Ness is clad in cast stone panels on the ground story with an aluminum-frame, glass and plastic curtain-wall applied to the upper stories. Designed in the Spanish Renaissance Revival style, the lobby retains many original plaster, textured glass, painted ceiling beams, molded doors, a long wooden teller desk and several original light fixtures. The nine story addition at 155 Hayes Street is structurally tied to 150 Van Ness Avenue and shares elevators, stairways and lobby with the original building.

The subject buildings to be demolished at 150 Van Ness Avenue are presently vacant. The current work at the existing buildings is being done under two separate permits: soft demolition (removal of carpeting, walls, doors, lightings, etc.) and exterior skin removal/hazardous material abatement. Planning approved the skin removal permit in advance of the entitlements hearing on account of the hazardous material abatement. The skin contained asbestos and PCBs. The actual demolition of the building itself will follow the Planning Commission hearing and issuance of the demolition permit.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is prominently located on Van Ness Avenue in the Downtown Civic Center neighborhood, adjacent to both the Hayes Valley and South of Market neighborhoods. The surrounding mixed-use area contains diverse building types including residential, office and educational, civic and commercial. The project site is located directly across Van Ness Avenue from the southwestern-most block of the locally-listed Civic Center Historic District. The district includes one of the best realized collections of City Beautiful Movement buildings in America and its central focus is City Hall, located one block south of the project site.

The project site is located within the C-3-G Downtown General Zoning District, the Van Ness and Market Downtown Residential Special Use District and within the Market and Octavia and Downtown Area Plans. The C-3-G Zoning District covers the western portions of downtown and is composed of a variety of uses: retail, offices, hotels, entertainment, institutions, and high-density residential. Many of these uses have a Citywide or regional function. The intensity of development in the area is currently lower than the downtown core area, however, a number of high density mixed-use development projects are in the

pipeline for the immediate area, including the nearly completed 100 Van Ness Avenue project, 30 Van Ness Avenue, 1540 Market Street, 1 Franklin Street, 10 South Van Ness Avenue, the Goodwill campus and 1601 Mission Street.

The Van Ness & Market Downtown Residential Special Use District is comprised of the parcels zoned C-3-G in the Market Octavia Better Neighborhoods Plan area. This district is generally comprised of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, along with parcels on both sides of Market and Mission Streets between 10th and 12th Streets. This district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence. A notable amount of large citywide commercial and office activity will remain in the area, including government offices supporting the Civic Center and City Hall. This area was initially identified in the Downtown Plan of the General Plan as an area to encourage housing adjacent to the downtown. As part of the city's Better Neighborhoods Program, this concept was fully articulated in the Market and Octavia Area Plan.

Immediately adjacent to the subject property on Van Ness Avenue is the 28-story, 418-dwelling unit 100 Van Ness property. Adjacent to the subject property on Polk Street is a 4-story residential building at 55 Polk Street. The remainder of the subject block is occupied by a 3-story commercial building at 45 Polk Street, a 20-story residential building at 1 Polk Street known as Argenta and a 3-story institutional building at 50 Fell Street.

## **ENVIRONMENTAL REVIEW**

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on March 12, 2014, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review under Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Market and Octavia Area Plan Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR.

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	March 13, 2015	March 11, 2015	22 days
Posted Notice	20 days	March 13, 2015	March 10, 2015	23 days
Mailed Notice	10 days	March 23, 2015	March 23, 2015	10 days

Note: Timely classified news ad and posted notice was provided for the Planning Commission hearing of March 12 when the project was postponed to the April 2 hearing.

## PUBLIC COMMENT

As of April 1, 2015, the Department has received 10 letters of support for the proposed project from the following organizations:

- San Francisco Housing Action Coalition
- San Francisco Symphony
- San Francisco Ballet
- Community Leadership Alliance
- Civic Center Community Benefit District
- The Alliance for a Better District 6 is supportive.
- Another Planet Entertainment is supportive.
- Beer Hall

The Hayes Valley Neighborhood Association is supportive overall and hopes that historic elements of the lobby can be salvaged and that Hayes Street will be made to be a two-way street. SPUR is also supportive overall and encourages increased bike parking, more landscaping along Hayes Street and more pronounced building entry.

## ISSUES AND OTHER CONSIDERATIONS

- **Affordable Housing.** The Project Sponsor has elected to provide on-site inclusionary affordable dwelling units to satisfy the Inclusionary Affordable Housing requirements of Planning Code Section 415. The Project will provide 12% of the units on-site as inclusionary affordable. The Project includes 420 dwelling units (24 studios, 222 one-bedroom units, 160 two-bedroom units and 14 three-bedroom units). The Project is duly providing 12 percent of the total 420 units as inclusionary affordable, for a total of 50 units, consisting of 3 studios, 27 one-bedroom units, 18 two-bedroom units and 2 three-bedroom units. The inclusionary affordable units will be permanently affordable for the life of the project per Section 415. The inclusionary affordable units will offered to the public as rental units and the project sponsor has fully executed a waiver under the Costa Hawkins Agreement (See attached EXHIBIT D).
- **Ground Level Wind Comfort Exception.** The Code requires that new building in C-3 Districts must be designed so as not to cause ground-level wind currents to exceed the specific comfort levels. With the Project two of the existing pedestrian-comfort criterion exceedances would be eliminated by small decreases in wind speeds. Given the preexisting ambient wind speeds that exceed the comfort level, the proposed building cannot be designed to further reduce the ambient wind speeds to eliminate all pedestrian-comfort criterion exceedances. The project sponsor is requesting an exception for wind comfort through the downtown project authorization Section 309. An exception is justified under the circumstances because the project would improve wind conditions overall. In aggregate, the average wind speed across all test points would change from 16.7 miles per hour to 15.6 miles per hour, a 6% overall reduction. Furthermore, the Project would comply with the wind hazard criterion. While the project would create two new

additional hazard conditions, these are on locations that are used in a transitory fashion by pedestrians. In addition, the project would eliminate two hazard conditions. And, the total annual duration of wind hazard hours would be reduced from 405 hours annually to 265 hours, thus, resulting in a decrease by nearly one-third in the duration of the existing wind hazard exceedances and on balance, would improve wind conditions overall.

- **Parking:** Pursuant to Planning Code Section 151.1, the Project is permitted to provide up to one car for each four dwelling units (a ratio of 0.25 to 1), however, the Planning Commission may consider a request to provide up to 0.5 parking spaces for each dwelling unit through the Downtown Project Authorization exception process. The Project proposes 210 residential off-street parking spaces to serve the 420 units (a ratio of 0.5 to 1). Per Planning Code Section 151.1 the project meets the required conditions to increase the parking ratio because first, the majority of parking spaces are being accessed via stackers below grade, as required. The parking spaces will be accessed from the single curb cut on Hayes Street, which also provides for parking access to the adjacent 100 Van Ness building, a previous requirement. Second, vehicle movement associated with the garage will not unduly impact pedestrians, transit service, bicycle movement or the overall traffic movement in the vicinity, or degrade the overall urban design quality of the project nor it diminishes the quality and viability of existing or planned streetscape enhancements. Third, no exceptions or variances are being requested for Section 145.1.
- **Rear Yard—Lot Coverage.** Planning Code Section 134 requires a rear yard equal to 25% of the lot depth in C-3 districts, however, Section 249.33(b)(5) modifies the Section 134 rear yard requirement in the Van Ness & Market Downtown Residential Special Use District (SUD) to require a maximum of 80% lot coverage. An exception for lot coverage requirements may be allowed under Section 309 Downtown Project Authorization, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided. While the project has a lot coverage of 83.4% at ground level, the bulk of the project's typical floor coverage is 69.9%, well below the 80% allowed. The building "T" building shape provides for 30.1% of the project site open to the sky areas, thus, improving light and air access for units in the project as well as nearby properties.
- **FAR Exemption for Inclusionary Housing Units.** The Project will provide 50 on-site affordable units pursuant to Section 415.6. Under Section 124 (f), the square footage of those affordable units is exempt from calculation of the FAR in C-3-G districts with Conditional Use Authorization for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income. The Project is granted Conditional Use Authorization to exempt approximately 45,047 square feet of inclusionary housing from the gross floor area of the project. The on-site inclusionary units will be affordable for the life of the project to households whose incomes are within 55 percent of the area median income, well below the income thresholds of Section 124(f).
- **Hotel Rooms.** The project sponsor is requesting a Conditional Use Authorization pursuant to Planning Code Section 216(b) for three guest hotel suites for use by the residents of the 150 Van Ness and 100 Van Ness projects. The residents of both projects will be able to reserve a guest suite for their visitors for stays of up to 7 days. The guest suites are an amenity for residents, who will pay a fee for its use. The guest suites are not open to the public, its operation will be conducted

by building management, they will not create the need for additional employees, nor do they create additional demand for housing, public transit, childcare or other social services.

- **Variations for Curb Cut, Exposure, and Height Exemption for the Elevator Overrun.** First, the project requires a variance for dwelling unit exposure since 20 units encroach into the “inverted pyramid” configuration required for strict compliance with Section 140’s; however, the majority of dwelling units would comply fully with Section 140. Second, the project requires a variance from curb cut width requirements (Planning Code Sections 145.1 and 155) because the proposed parking/loading shared entrance is 33’-7” and curb cut exceed the maximum dimensions for a shared parking and loading curb cut entrance of 27’. A wider than required entrance and curb cut appears adequate considering overall conditions of streetscape, design, traffic, and pedestrian circulation. However, the Zoning Administrator would need to grant both variances as well as a height exemption for the elevator penthouse to rise 5 feet beyond the maximum height exception of 20 feet (Planning Code Section 260).

## **REQUIRED COMMISSION ACTIONS**

In order for the project to proceed, the Commission must determine that the project complies with Planning Code Section 309, granting requests for three exceptions regarding requirements for ground level wind currents pursuant to Planning Code Section 148, parking exceeding principally-permitted amounts pursuant to Planning Code Section 151, and rear yard—lot coverage pursuant to Planning Code Section 249.33.

The project is also requesting Conditional Use Authorization to exempt the floor area attributed to the on-site inclusionary housing units from the Floor Area Ratio (Planning Code Section 124), and to authorize three guest suites as hotel rooms (Planning Code Section 216).

In addition, the Zoning Administrator would need to grant Variations for 20 dwelling units that do not meet the exposure requirements (Planning Code Section 140), curb cut width requirements (Planning Code Sections 145.1 and 155), and a height exemption per Section 260(b) from the 120-foot height limit for the elevator overrun penthouse.

## **BASIS FOR RECOMMENDATION**

- The project would add 420 dwelling units to the City’s housing stock in a walkable and transit-rich area suited for dense, mixed-use development.
- The project will add vitality to the Civic Center area by adding full-time residents in an area that has limited activity before and after typical work-day hours.
- The project would fulfill its inclusionary affordable housing requirement on-site by providing 50 BMR units.
- The project fulfills the intent of the Market & Octavia Plan to focus on new housing in transit-served locations and to create active streetscapes.
- The project will enhance the quality of the pedestrian experience along both Van Ness Avenue and Hayes Street by providing a ground floor that would be occupied by active uses and public realm improvements would be made.

- The project includes a mix of studio, one-bedroom, two-bedroom and three-bedroom units to serve a diversity of household sizes and people with varied housing needs.
- The project meets all applicable requirements of the Planning Code, aside from the exceptions requested pursuant to Planning Code Sections 309, Conditional Use Authorizations and the cited Variance requests.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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**Attachments:**

- Draft Motion-Downtown Project Authorization
- Draft Motion – Conditional Use Authorization
- Parcel Map
- Sanborn Map
- Aerial Photograph
- Zoning Map
- Project Sponsor Submittal
- Architectural Drawings
- Public Correspondence
- Community Plan Exemption

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Project Sponsor Submittal  |
| <input checked="" type="checkbox"/> Draft Motion                | Drawings: <u>Existing Conditions</u>   |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility   |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility   |
| <input checked="" type="checkbox"/> Parcel Map                  | <input type="checkbox"/> Health Dept. Review of RF levels  |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input type="checkbox"/> RF Report   |
| <input checked="" type="checkbox"/> Aerial Photo                | <input type="checkbox"/> Community Meeting Notice  |
| <input checked="" type="checkbox"/> Context Photos              | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program:<br>Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos                 |  |

Exhibits above marked with an "X" are included in this packet

\_\_\_\_\_ GM \_\_\_\_\_  
Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (Market Octavia Impact Fees)

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## Planning Commission Draft Motion Section 309

HEARING DATE: APRIL 2, 2015

*Date:* April 2, 2015  
*Case No.:* **2013.0973ECVX**  
*Project Address:* **150 VAN NESS AVENUE**  
*Zoning:* C-3-G (Downtown General)  
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**ADOPTING FINDINGS RELATING TO A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309 WITH EXCEPTIONS TO THE REQUIREMENTS FOR GROUND LEVEL WIND CURRENTS PURSUANT TO PLANNING CODE SECTION 148, PARKING EXCEEDING PRINCIPALLY-PERMITTED AMOUNTS PURSUANT TO PLANNING CODE SECTION 151, AND REAR YARD—LOT COVERAGE PURSUANT TO PLANNING CODE SECTION 249.33. THE PROPOSED PROJECT IS TO DEMOLISH TWO EXISTING OFFICE BUILDINGS, FOUR PARKING LOTS AND THE PEDESTRIAN BRIDGE OVER HAYES STREET, AND TO CONSTRUCT A 120 FOOT, 13-STORY BUILDING WITH APPROXIMATELY 450,577 SQUARE FOOT, 420 DWELLING UNITS, THREE HOTEL ROOM GUEST SUITES, AND 9,000 SQUARE FOOT OF GROUND FLOOR RETAIL ON FIVE LOTS. THE PROJECT SITE IS LOCATED WITHIN THE C-3-G (DOWNTOWN GENERAL) ZONING, 120-R-2 HEIGHT AND BULK DISTRICT IN THE VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT (SUD), AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

## **PREAMBLE**

On April 23, 2014, Marc Babsin on behalf of Emerald Fund and Van Ness Hayes Associates, LLC (hereinafter "Project Sponsor") filed Application No. 2013.0973X (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Downtown Project Authorization to demolish two existing office buildings, four parking lots and the pedestrian bridge over Hayes Street, and to construct a 120 foot, 13-story building with approximately 450,577 square foot, 420 dwelling units, three hotel room guest suites, and 9,000 square foot of ground floor retail on five lots (Block 0814, Lots 001, 014, 015, 016 and 021). The project site is located within the C-3-G (Downtown General) zoning, 120-R-2 Height and Bulk district, in the Van Ness & Market Downtown Residential Special Use District (SUD).

On April 23, 2014, Marc Babsin on behalf of Emerald Fund and Van Ness Hayes Associates, LLC (hereinafter "Project Sponsor") also filed as part of the project Application No. 2013.0973C for Conditional Use Authorization (CUA) to exempt the floor area attributed to the on-site inclusionary affordable units from the Floor Area Ratio (Planning Code Section 124), and to authorize three guest suites as hotel rooms (Planning Code Section 216).

On April 23, 2014, Marc Babsin on behalf of Emerald Fund and Van Ness Hayes Associates, LLC (hereinafter "Project Sponsor") also filed as part of the project Application No. 2013.0973V for certain variances from the Planning Code. The following variances are part of the project: dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Sections 145.1 and 155). Although not a variance, the project sponsor also requested a height exemption for the 120-foot height limit for the elevator penthouse (Planning Code Section 260) that requires administrative approval by the Zoning Administrator.

The San Francisco Planning Department reviewed the Market and Octavia Plan under the Market and Octavia Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and at a public hearing on April 5, 2007, by Motion No. 17406, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). The certification of the EIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. The Final EIR has been made available for review at the Planning Department.

State CEQA Guidelines Section 15183 provides a process for environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the

parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on March 12, 2015, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3 ("the Exemption"). The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Final EIR. Since the final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Market and Octavia Plan Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

The Project files, including the Exemption dated March 12, 2015, have been made available for review by the Commission and the public, and those files are part of the record before this Commission; and the Planning Department, Jonas O. Ionin, is the custodian of records, located in the File for Case No. 2013.0973X at 1650 Mission Street, 4<sup>th</sup> Floor, San Francisco, California.

On April 2, 2015, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization Application No. 2013.0973ECVX. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Downtown Project Authorization requested in Application No. 2013.0973ECVX, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The proposed project is located across five separate lots that occupy the entire southern block face of Hayes Street between Van Ness Avenue and Polk Street. Lot 014 at the southeast intersection of Van Ness Avenue and Hayes Street is occupied by a vacant 8-story commercial building with a 9-story addition (155 Hayes Street) that encroaches

into a portion of the adjacent lot 015. A pedestrian bridge crosses Hayes Street at the second story to connect this portion of the structure to the office building across the street (150 Hayes Street). A majority of lot 015 as well as lots 016, 021 and 001 are occupied by surface parking lots.

The subject building at 150 Van Ness Avenue was constructed circa 1925 with the addition at 155 Hayes constructed in 1958 as part of the complex of California State Automobile Association (CSAA) building. In addition to the subject properties, the former CSAA complex also included 150 Hayes Street (1967) and the pedestrian bridge (1968) connecting it to the subject building and 100 Van Ness Avenue. The structure at 150 Van Ness is clad in cast stone panels on the ground story with an aluminum-frame, glass and plastic curtain-wall applied to the upper stories. Designed in the Spanish Renaissance Revival style, the lobby retains many original plaster, textured glass, painted ceiling beams, molded doors, a long wooden teller desk and several original light fixtures. The nine story addition at 155 Hayes Street is structurally tied to 150 Van Ness Avenue and shares elevators, stairways and lobby with the original building.

The subject buildings to be demolished at 150 Van Ness Avenue are presently vacant. The current work at the existing buildings is being done under two separate permits: soft demolition (removal of carpeting, walls, doors, lightings, etc.) and exterior skin removal/hazardous material abatement. Planning approved the skin removal permit in advance of the entitlements hearing on account of the hazardous material abatement. The skin contained asbestos and PCBs. The actual demolition of the building itself will follow the Planning Commission hearing and issuance of the demolition permit.

- 3. Surrounding Properties and Neighborhood.** The project site is prominently located on Van Ness Avenue in the Downtown Civic Center neighborhood, adjacent to both the Hayes Valley and South of Market neighborhoods. The surrounding mixed-use area contains diverse building types including residential, office and educational, civic and commercial. The project site is located directly across Van Ness Avenue from the southwestern-most block of the locally-listed Civic Center Historic District. The district includes one of the best realized collections of City Beautiful Movement buildings in America and its central focus is City Hall, located one block south of the project site.

The project site is located within the C-3-G Downtown General Zoning District, the Van Ness and Market Downtown Residential Special Use District and within the Market and Octavia and Downtown Area Plans. The C-3-G Zoning District covers the western portions of downtown and is composed of a variety of uses: retail, offices, hotels, entertainment, institutions, and high-density residential. Many of these uses have a Citywide or regional function. The intensity of development in the area is currently lower than the downtown core area, however, a number of high density mixed-use development projects are in the pipeline for the immediate area, including the nearly completed 100 Van Ness Avenue project, 30 Van Ness Avenue, 1540 Market Street, 1 Franklin Street, 10 South Van Ness Avenue, the Goodwill campus and 1601 Mission Street.

The Van Ness & Market Downtown Residential Special Use District is comprised of the parcels zoned C-3-G in the Market Octavia Better Neighborhoods Plan area. This district is generally comprised of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, along with parcels on both sides of Market and Mission Streets between 10th and 12th Streets. This district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence. This area is encouraged to transition from largely a back-office and warehouse support function to downtown into a more cohesive downtown residential district, and serves as a transition zone to the lower scale residential and neighborhood commercial areas to the west of the C-3. A notable amount of large citywide commercial and office activity will remain in the area, including government offices supporting the Civic Center and City Hall. This area was initially identified in the Downtown Plan of the General Plan as an area to encourage housing adjacent to the downtown. As part of the city's Better Neighborhoods Program, this concept was fully articulated in the Market and Octavia Area Plan.

Immediately adjacent to the subject property on Van Ness Avenue is the 28-story, 418-dwelling unit 100 Van Ness property. Adjacent to the subject property on Polk Street is a 4-story residential building at 55 Polk Street. The remainder of the subject block is occupied by a 3-story commercial building at 45 Polk Street, a 20-story residential building at 1 Polk Street known as Argenta and a 3-story institutional building at 50 Fell Street.

4. **Project Description:** The proposed project includes demolition of two existing office buildings, four parking lots and the pedestrian bridge over Hayes Street, and new construction of a 120 foot, 450,577 square foot, 13-story building with approximately 420 dwelling units, three guest suites, 9,000 square feet of ground floor retail, 210 off-street parking spaces and 263 bicycle parking spaces (a mix of Class 1 and Class 2). The project includes a mix of studio, one, two and three bedroom units, a multi-use space, fitness room and yoga studio, bike repair, pet wash, tech shop, lounges, a theater and third floor pool deck. A total of 16,368 sf of common open space is required and provided on a terrace and the balance on the roof, which also satisfies the common usable open space requirements for 18 dwelling units located at the adjacent 100 Van Ness project. Private usable open space is provided for 79 units via balconies and private courtyards. The project includes 50 inclusionary affordable housing units (12% of total), provided on site. The existing parking entrance for 100 Van Ness, along Van Ness Avenue, will be eliminated and a shared parking entrance will be provided on Hayes Street for both 150 Van Ness and 100 Van Ness.
5. **Public Comment.** As of April 1, 2015, the Department has received 10 letters of support for the proposed project from the following organizations:
  - San Francisco Housing Action Coalition
  - San Francisco Symphony
  - San Francisco Ballet
  - Community Leadership Alliance

- Civic Center Community Benefit District
- The Alliance for a Better District 6 is supportive.
- Another Planet Entertainment is supportive.
- Beer Hall

The Hayes Valley Neighborhood Association is supportive overall and hopes that historic elements of the lobby can be salvaged and that Hayes Street will be made to be a two-way street. SPUR is also supportive overall and encourages increased bike parking, more landscaping along Hayes Street and more pronounced building entry.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the Downtown General District is 6.0 to 1. Section 124(f) provides that in C-3-G Districts, additional square footage above the base FAR of 6.0 to 1 may be approved by conditional use for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income, as defined in Section 124 (f).

In the C-3-G District, the maximum floor area may be increased to 1.5 times the base floor area limit of 6.0 to 1 to 9.0 to 1. In the Van Ness and Market Downtown Residential Special Use District any increment of FAR above the base FAR and up to maximum FAR requires payment into the Citywide Affordable Housing Fund per additional gross square foot for that increment of FAR above the base FAR (Sec. 249.33). FAR above 9:1 can be allowed through payment into the Van Ness & Market Neighborhood Infrastructure Fee.

*The base FAR of 6.0 permits a 278,940 gsf structure and the project proposes a 330,538 gsf building yielding a FAR of 7.1 to 1.0. The proposed residential gsf is 377,028 with 1,220 gsf devoted to hotel use and 9,000 gsf for retail use. Square footage devoted to mechanical, lobby, and back of house functions and parking are exempt from FAR. To satisfy the Citywide Affordable Housing Fund pursuant to Planning Code Sections 249.33(b)(6) and 424, the Project will be required to pay \$36.41 (the 2015 fee amount) per additional gross square foot over the base FAR, or 51,598 square feet.*

*The Project requests Conditional Use Authorization for additional floor area from the affordable units, which will allow the Project to meet its inclusionary housing requirement on-site as opposed to off-site or through the payment of an in-lieu fee. Section 124(f) requires the units to be affordable for a minimum of 20 years to households whose incomes are within 150 percent of the median income. The on-site affordable units will satisfy the inclusionary housing requirements of Section 415, which require inclusionary rental units to be permanently affordable to households whose incomes are within 55 percent of the area median income or ownership units to be permanently affordable to households whose incomes are within 90 percent of the median income. Thus, the Project's inclusionary units will be more affordable than the requirements set forth in Section 124(f).*

- B. **Rear Yard (Section 134)/Lot Coverage (Section 249.33).** Planning Code Section 134 requires that projects in C zoning districts provide a minimum rear yard depth equal to 25 percent of the total depth of the lot on which the building is situated. However, the Project is within the Van Ness & Market Downtown Residential Special Use District (Sec. 249.33) which exempts it from the rear yard requirements of Section 134. Instead, the Project is subject to a lot coverage limit of 80 percent at all residential levels, except on levels in which all residential units face onto a public right of way. Additionally, the unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards per Section 136(c).

*The Project provides residential units at all levels including the ground floor where most, but not all the units, face the public right-of-way. Consequently, the lot coverage for the project must be determined at the ground floor level, pursuant to Section 249.33. The total building footprint at the ground level is 38,785 square feet, resulting in lot coverage of 83.4%. The remaining 7,705 square feet of the site (16.6%) is left open to the sky and the project's design allow for light and air access to the nearby properties. The project requests an exception under Section 309 for rear yard (lot coverage) pursuant to Section 249.33.*

- C. **Residential Open Space (Section 135).** Planning Code Section 135 requires 36 sf of private open space per dwelling unit or 48 sf of common open space per dwelling units. Private open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 sf if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 sf if located on open ground, a terrace or the surface of an inner or outer court. Common usable open space shall be at least 15 feet in every horizontal dimension and shall be a minimum area of 300 sf. Further, inner courts may be credited as common usable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 sf in area, and if the height of the walls and projections above the court on at least three sides is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

*The Project has elected to meet the open space requirements of Section 135 through a mix of private and common open space. Of the 420 dwelling units, 79 have private open space while the open space requirements for the remaining 341 dwelling units are being met via common open space on separate terrace on the third floor and the roof area.*

*The 79 dwelling units with private open space are scattered throughout the Project. Level 1 has five units with private balconies; Level 2 has eight units with private balconies; Level 3 has eight balconies; Levels 4 through 11 have five balconies, for a total of 40 balconies; Level 12 has 16 balconies; Level 13 has two balconies. All 79 balconies meet the minimum dimension and area requirements, including the greater requirements for those that face onto terraces or on inner courts.*

*A total of 16,368 sf of common open space for 150 Van Ness is required for the 341 dwelling units and provided on site. The common open space is split on level 3 (5,470 sq) and the roof (10,898 sf).*

*However, the total common open space in the roof is 11,762 sq because it includes 10,898 sf for 150 Van Ness and 864 sf for the 18 dwelling units at 100 Van Ness.*

*The open space provided as an inner court and located on the ground floor does not meet the requirements of Section 135, and therefore it has not been included in the calculations. Additionally, the common open space for 18 dwelling units located at the adjacent 100 Van Ness building is being satisfied pursuant to Case No. 2014.0941V.*

*The Project satisfies all usable open space requirements.*

- D. Public Open Space (Section 138).** New buildings in the C-3-G Zoning District must provide public open space at a ratio of one sf per 50 gsf of all uses, except residential uses, institutional uses and uses in a predominantly retail/personal services building.

*The Project includes approximately 9,000 sf of ground floor retail space accounting for approximately 2 % of gross floor area. The building is a principally a residential use building and is not required to provide any public open space.*

- E. Streetscape and Pedestrian Improvements (Section 138.1).** Planning Code Section 138.1 requires one new street tree for every 20 feet of street frontage for projects proposing new construction. A streetscape and pedestrian elements in conformance with the Better Street Plan is required for all projects that are contain at least 250 feet of total lot frontage on one or more publicly-accessible rights-of-way and that propose new construction.

*The Project includes the new construction of a 13-story residential building on a lot with approximately 473 feet of frontage along Van Ness Avenue, Hayes Street and Polk Street. Therefore, the Project is required to provide a total of 24 street trees as well as a streetscape plan in conformance with the Better Streets Plan.*

*The Project Sponsor will provide 24 new street trees along the Project frontages on Van Ness Avenue, Hayes Street and Polk Street, as determined feasible by the Department of Public Works (DPW) Urban Forestry Division. The Project Sponsor will pay the in-lieu fee per each tree that DPW determine infeasible to plant, as specified in Planning Code Section 428. The Project Sponsor has provided a Streetscape Plan that would provide the following improvements:*

- 1) Eliminate the curb cut at 100 Van Ness and provide a new 33'-7" curb cut to provide shared parking and loading access to both 150 Van Ness and parking access to 100 Van Ness. (Note: the project requests a variance from width curb cut maximum dimensions of 27' for a shared parking/loading access. See more details on numeral H. Street Frontage below).*
- 2) Consistent streetscape improvements along the frontages of both 100 Van Ness and 150 Van Ness including a distinctive lampblack with speckles sidewalk material, Brisbane trees and circular Class 2 bicycle racks;*

3) Bike racks, benches, and pedestrian scaled lighting to be located near the primary retail entrance.

Further, the Project Sponsor has committed to installing a bulb out at the Van Ness and Fell Street corner after the Van Ness BRT construction and is working with MTA to coordinate this work. The Project Sponsor continues to work with the Department as well as DPW and MTA to explore the possibility of widening the Hayes Street sidewalk from 12' to 15'. The retail storefront is recessed an additional 12" and the ground floor residences on Hayes Street would be recessed a minimum of 30" and as much as 4'-5". A landscaped buffer will be provided within the 30" zone, which with the raised residential floor will provide a graceful transition from the public street to the private residences. At the time of publication, City agencies are weighing the benefits and drawbacks of reducing the Hayes Street lane widths versus widening the sidewalk and its impact on the 21 Hayes Street bus route as well as traffic. The Project Sponsor will continue to work with Department staff to provide the appropriate street improvements in conformance with the Better Streets Plan (See Conditions of approval in Exhibit A). Therefore, the Project complies with Planning Code Section 138.1.

- F. **Bird Safety (Section 139).** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

The subject lot is not located in close proximity to an Urban Bird Refuge. The Project meets the requirements of feature-related standards and does not include any unbroken glazed segments 24-sq ft and larger in size; therefore, the Project complies with Planning Code Section 139. Conditions of Approval are included to ensure that future submittals are in compliance with any bird safety feature-related standards.

- G. **Dwelling Unit Exposure (Section 140).** Planning Code Section 140 requires that at least one room of all dwelling units face directly onto 25 of open area (a public street, alley or side yard) or onto an inner courtyard that is 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

The majority of dwelling units would comply fully with Section 140, by either facing one of the abutting streets (Van Ness Avenue, Hayes Street or Polk Street) or by facing the complying outer courtyard on Van Ness. However, 20 units on floors 8 to 13 facing the east courtyard encroach into the "inverted pyramid" configuration required for strict compliance with Section 140's strict inner court dimensional requirements. The Project is seeking a Variance from the exposure requirements of Planning Code Section 140 for the 20 units facing the inner court.

- H. **Parking and Loading Entrances (Section 145.1(c)(2)) and Parking and Loading Access—Width of Openings (Section 155 (s)(5)(A)).** Per Section 145.1, the Planning Code requires that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress and egress. The total street frontage dedicated to parking and loading access

should be minimized and combining entrances for off-street parking with those for off-street loading is encouraged. The placement of parking and loading entrances should minimize interference with street-fronting active uses and with the movement of pedestrians, cyclists, public transit and autos. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way.

In addition, Planning Code Section 155 states that any single development is limited to a total of two facade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one facade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet. Section 145.1(c)(2) and Section 155(s)(5)(A) maximum opening widths are in conflict with Section 155(r)'s mandate that no parking or loading access be provided on Van Ness Avenue or Polk Street, necessitating all parking and loading access be from Hayes Street.

*The Project includes a shared two-way vehicle and loading entrance located on Hayes Street. The vehicle parking opening is 19'-11" wide and the loading opening is 9'-9" wide—a column is in between. The combined garage opening and its corresponding curb cut is 33'-7', subject to final approval by SFMTA and Public Works. The entrance will provide parking access for approximately 838 dwelling units as parking access for 100 Van Ness will be moved and provided on 150 Van Ness. The existing curb cut serving 100 Van Ness will be eliminated. The shared entrance is located over 66 feet from the intersection of Van Ness Avenue and Hayes Street.*

*The Project satisfies Planning Code Section 145.1 in terms of the parking and loading location and access because a shared entrance minimizes conflicts with pedestrians, cyclists, public transit and autos. However, together the vehicle parking and loading opening are in excess of the 20-foot maximum set forth in Section 145.1. In addition, the shared 33'-7' garage opening and corresponding curb cut exceeds the maximum dimensions for a shared parking and loading curb cut entrance of 27' as required by Planning Code Section 155. Therefore, the project requests a variance from Sections 145.1 and 155.*

*It is important to note that vehicular or loading access on both Van Ness and Polk is not viable and, thus, the shared entrance meets the intent of all related Sections 145 and 155. First, BRT access and traffic movement on Van Ness Avenue precludes access on Van Ness. Second, access on Polk would create conflicts between vehicular or loading ingress and egress with bicyclists using the southbound protected bicycle lane along the site's Polk Street frontage.*

- I. **Street Frontage in Commercial Districts: Active Uses (Section 145.1(c)(3)).** Planning Code Section 145.1(c)(3) requires that within Downtown Commercial Districts, space for "active uses" shall be provided within the first 25 feet of building depth on the ground floor. Spaces accessory to residential uses, such as fitness or community rooms are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street. Building systems including mechanical, electrical and plumbing features may be

exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space.

*The Project provides active uses along all frontages with direct access to the sidewalk within the first 25 feet of building depth and is thus compliant with this Code Section. No mechanical, electrical and plumbing features are located at any of the three street frontages. Therefore, the Project fully complies with Planning Code Sections 145.1.*

- J. **Required Ground Floor Commercial Uses (Section 145.4).** Active commercial uses (defined in Table 145.4) are required on South Van Ness Avenue for the entirety of the Van Ness and Market Downtown Residential Special Use District. Further, an individual ground floor nonresidential use may not occupy more than 75 contiguous feet for the first 25 feet of depth along a street-facing façade. Separate individual storefronts shall wrap large ground floor uses for the first 25 feet of depth.

*The Project proposes the active commercial use of retail for the Van Ness Avenue frontage. The 116' retail frontage on Van Ness Avenue has been split into two distinct retail spaces so that the smaller space provides a 47'-2" frontage and the larger space provides a 69' frontage. The larger retail space wraps the smaller space as directed by the Planning Code. The Project satisfies Planning Code Section 145.4*

- K. **Shadows on Public Sidewalks (Section 146).** The Planning Code (Section 146(a)) establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that buildings, not located on specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

*Section 146(a) does not apply to construction on South Van Ness Street, Hayes Street or Polk Street and therefore, does not apply to the Project.*

*As it relates to Section 146(c), the Project would replace an 8-story structure and 4 parking lots with a 13-story structure. Although there would be new shadows on sidewalks and pedestrian areas adjacent to the site, the Project's shadow effects would be limited in scope and would not increase the total amount of shading above levels that are commonly and generally accepted in urban areas. The Project is proposed at a height that is zoned for the property and a portion of the structure is significantly shorter than the zoned height allows. The structure cannot be further shaped to reduce substantial shadow impacts on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project will not create substantial shadow impacts to public sidewalks.*

- L. **Shadows on Public Open Spaces (Section 147).** Planning Code Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

*A shadow analysis determined that the Project would not cast net new shadow on Civic Center Plaza or any other open space under the jurisdiction of, or designated to be acquired by the Recreation and Park Commission. The Project would cast new shadow year-round in the early morning in December on the landscaped areas adjacent to the War Memorial Opera House, at the corner of Grove Street and Van Ness Avenue, but would not be expected to adversely affect the use of this space. The Project would not add new shadow to the landscaped areas adjacent to City Hall or the landscaped areas or raised steps of the Main Library.*

- M. **Ground Level Wind (Section 148).** Pursuant to Section 148, in C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the development will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 AM and 6:00 PM, the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When pre-existing ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

*Wind tunnel tests were performed in July 2014 for the proposed project and results were provided to the Department via a Technical Memorandum dated August 4, 2014 and are included in the*

*Community Plan Exemption. The existing conditions test included existing buildings and the 101 Polk Street building which is under construction. Measurements were taken at 25 test points (EXHIBIT E).*

**Comfort Criterion**

*The project area is characterized by very strong and turbulent winds. Under existing conditions, wind speeds meet the comfort criterion at three out of 25 test locations (locations #201, 206, and 207). The average of the existing 10% exceeded wind speeds is 16.7 miles per hour at all 25 test points. Wind speeds range from 10 to 27 miles per hour. With the Project, two of the existing pedestrian-comfort criterion exceedances that currently occur on the west side of Van Ness Avenue fronting the Project Site would be eliminated by small decreases in wind speeds. Winds would meet the Section 148 pedestrian-comfort criterion at five test points. The Project does not eliminate existing comfort criterion exceedances but does provide a 6% reduction in hours of pedestrian-comfort criterion exceedance. Given the preexisting ambient wind speeds that exceed the comfort levels, the proposed building cannot be designed to further reduce the ambient wind speeds to eliminate all pedestrian-comfort criterion exceedances. An exception for ground-level wind currents is allowed under Section 309 for downtown projects and it is required for 150 Van Ness. (Please see a discussion for justification to grant the exception below under "7. Exceptions Request Pursuant to Planning Code Section 309")*

**Hazard Criterion**

*The Project would comply with the wind hazard criterion. Wind hazards are known to occur at various locations on Van Ness Avenue, Fell and Polk Streets, as well on Market Street. The wind tunnel test indicated that eight of the 25 test points currently do not meet the wind hazard criterion. With the Project, two existing wind hazards (#205 midblock on the north side of Hayes Street between Polk Street and Van Ness Avenue and #49 at the north east corner of Hayes Street and Polk Street) would be eliminated and two new hazards (#10 at the southwest corner of Hayes Street and Polk Street and #2 at the southwest corner of Market Street and Tenth Street) would be created. However, the total annual duration of wind hazard hours would be reduced from 405 hours annually to 265 hours. Overall, the wind hazard locations are used by pedestrians, but in a transitory fashion. Pedestrians would not tend to linger in these locations due to the lack of seating or the lack of other design elements that encourage resting. The Project would result in a decrease by nearly one-third in the duration of the existing wind hazard exceedances and on balance would improve wind conditions overall.*

- N. **Loading (Section 152.1).** Section 152.1 establishes minimum requirements for off-street loading. In C-3 Districts, the loading requirement is based on the total gross floor area of the structure or use. Residential uses between 200,000 and 500,000 square feet are required to provide two off-street loading spaces. Retail uses less than 10,000 square feet are not required to provide any loading spaces. Two service-vehicle spaces may be provided in place of one full-sized loading space.

*The Project is providing one off-street freight loading space and two service vehicle spaces in lieu of the second required freight loading space required for the 375,808 square feet of residential space. The 9,000 square foot retail space does not require separate off-street loading spaces. The one off-street*

*freight loading space is provided via a loading dock on Hayes Street. The two service vehicle spaces will be located in the below grade garage. The Project satisfies Planning Code Section 152.1*

- O. **Bicycle Parking (Section 155.2).** Planning Code Section 155.2 of the Planning Code requires at least one Class 1 bicycle parking space per dwelling unit for the first 100 units and then one Class 1 bicycle parking space for every four dwelling units over 100. One Class 1 bicycle parking space is also required per 7,500 square feet of retail space. Additionally, one Class 2 bicycle parking space is required per 20 dwelling units and one Class 2 bicycle parking space is required per 2,500 square foot of retail space.

*The Project includes 420 dwelling units; therefore, the Project is required to provide 180 Class 1 bicycle parking spaces and 21 Class 2 bicycle parking spaces for residential use. The Project also includes 9,000 square feet of retail space and is required to provide one Class 1 bicycle parking space and three Class 2 bicycle parking spaces for the retail use. The Project will provide 228 Class 1 bicycle parking spaces on the ground floor level off of the main residential lobby for use of residents and two Class 1 bicycle parking spaces for retail use are located at the rear of the retail space. A total of 33 Class 2 bicycle parking spaces are to be provided along Van Ness Avenue and Hayes Street. The Project is required to provide 201 total Class 1 and three total Class 2 bicycle parking spaces. A total of 263 bicycle parking spaces are provided, thus exceeding the requirements. In addition, a bike repair facility for residents is provided. The Project satisfies the bicycle parking requirements of Planning Code Sections 155.1 through 155.5.*

- P. **Car Share Requirements (Section 166).** Planning Code Section 166 requires one car-share parking spaces, plus one for every 200 dwelling units over 200, for projects with 201 residential units or more.

*Since the Project includes 420 dwelling units, it is required to provide a minimum of three car-share parking spaces. The Project provides four car-share parking spaces located in the basement garage. Therefore, the Project complies with Planning Code Section 166.*

- Q. **Unbundled Parking (Section 167).** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

*The Project is providing off-street parking that is accessory to the dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units; therefore, the Project meets this requirement.*

- R. **Baby-Diaper Changing Stations (Section 168).** Planning Code Section 168 requires new retail uses over 5,000 square feet in size to provide at least one Baby Diaper-Changing Accommodation that is accessible to women and one that is accessible to men or a single Diaper-Changing Accommodation that is accessible to both.

*The Project includes 9,000 square feet of retail space and provides one baby diaper-changing stations in each of two restrooms. The restrooms and Diaper-Changing Accommodations are provided in the larger retail space that exceeds 5,000 square feet. The Project satisfies Planning Code Section 168.*

- S. **Dwelling Unit Mix (Section 207.6).** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

*For the 420 dwelling units, the Project is required to provide at least 168 two-bedroom or larger units or 126 three-bedroom or larger units. The Project provides 24 studios, 222 one-bedroom units, 160 two-bedroom units, and 14 three-bedroom units. A total of 174 two and three bedroom units account for 41 percent of the dwelling units. Therefore, the Project meets the requirements for dwelling unit mix.*

- T. **Density (Section 249.33).** The Van Ness and Market Downtown Residential Special Use District provide no density limit for residential uses by lot area, but by applicable requirements and limitations elsewhere in the Planning Code as well as the Market & Octavia Area Plan Fundamental Design Principles.

*The Project proposes 420 dwelling units in varying unit sizes while satisfying the Market & Octavia Area Plan Fundamental Design Principles and other Planning Code requirements with only one design related exception requested (Variance from Dwelling Unit Exposure, Section 140). The Design Principles encourage buildings to be built facing public rights-of-way, use of setbacks to reduce mass, three dimensional detailing and high quality building materials. The Project faces three public rights-of-way and uses setbacks at Van Ness Avenue to provide mass reduction, open space and exposure. The Project uses a mix of high quality building materials including terra cotta, metal panels, plaster and glass to provide three dimensional detailing. As required by the Design Principles, the Project divides the tall building into a base, middle and top. A massing split creates a break in the building biased toward Van Ness Avenue that makes the main residential lobby entrance. The unifying upper mass is rendered in glass to contrast with the heavier base of the building.*

- U. **Uses (Sections 216(b)(i) and 218(a)) and Section 209.2(d).** The Project Site is located in a Downtown General (C-3-G) District wherein residential and commercial uses are permitted. Areas in the City identified as Downtown General include a variety of different uses, such as retail, offices, hotels, entertainment, clubs and institutions and high-density residential. Many of these uses have a Citywide or regional function, although the intensity of development is lower there than in the downtown core area.

*The Project proposes a primarily residential use building with ground floor retail, both of which are principally permitted in the C-3-G Zoning District. The Project also proposes three guest suites intended to function as an amenity to tenants. The three ground floor guest suites are deemed hotel*

*rooms under the Planning Code and require conditional use authorization in the C-3-G district, pursuant to Section 209.2(d): "Hotel, inn or hostel containing no more than five rooms or suites of rooms."*

*The Project requests Conditional Use Authorization for hotel use pursuant to Planning Code Section 216(b). The three guest hotel suites will be a necessary and desirable amenity for residents of 150 Van Ness. The residents of 100 and 150 Van Ness will be able to reserve a guest suite for their visitors for stays of up to 7 days. For example, if a resident's parents are visiting from out of town, the resident could reserve one of the guest suites, rather than having the resident's parents stay off-site in a tourist hotel. The resident will be assessed a charge for the suite similar to the assessment for the use of a private party room.*

- V. **Height and Bulk (Section 260 and 270).** The property is located in a 120-R-2 Height and Bulk District, thus permitted structures up to a height of 120 feet. In Bulk District R-2 the Van Ness and Market Downtown Residential Special Use District bulk limits apply. In the R-2 Bulk District, there are no bulk limitations below 120 feet.

*The Project would reach a height of approximately 120'-0" conforming in its entirety to the Height and Bulk District. However, the building includes various features, such as elevator/stair penthouses, mechanical structures and wind screens that extend above the 120' proposed height. Certain allowances qualify for height exemption under Planning Code Section 260(b). The Project proposes a wind screen that extends 7'-2" above the height limit where a maximum height of 10' is permitted. In addition, the Project proposes an enclosed area of elevator, stair penthouse, and mechanical room at a height of 140', which is allowed by the 20' height exemption in C-3 districts. However, the height of the elevator overrun is 145' and thus exceeds that maximum height exemption by 5 feet.*

*Pursuant to Planning Code Section 260(b)(1)(A), the Zoning Administrator may, after conducting a public hearing, grant a further height exemption for an elevator overrun for a building with a height limit of more than 65 feet but only to the extent that the Zoning Administrator determines that such an exemption is required to meet state or federal laws or regulations. The Project meets the height and bulk requirements of the Planning Code and requests a further height exemption from the Zoning Administrator for the 5' additional height required to accommodate the required elevator overrun. The project sponsor has submitted a letter from the elevator consultant that provides justification for the elevator overrun height exemption under Section 260. The request for the height exemption is being considered by the Zoning Administrator following the 309 downtown project authorization.*

- W. **Transit Impact Development Fee (Section 411).** Pursuant to Planning Code Section 411, the Project Sponsor is required to pay the Transit Impact Development Fee for the conversion of office use square footage to retail use.

*The Project proposes to convert 9,000 square feet of the 136,558 square feet of office use to retail use. The remaining square footage of office use will be converted to residential, which requires no Transit Impact Development Fee. At the time of this writing, the rate of conversion from office to retail is \$0.72*

*per square foot (\$14.59 retail minus \$13.87 office), however, fees are indexed on an annual basis. The exact amount to be paid into the Transit Impact Development Fee Fund will be assessed as the project evolves but prior to the issuance of the building permit application.*

- X. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead or through payment of the Affordable Housing Fee. Pursuant to Planning Code Section 415.3 and 415.6 the on-site requirement is 12%. Fifty (50) units (3 studios, 27 one-bedrooms, 18 two-bedroom, and 2 three-bedroom) of the 420 units provided will be affordable rental units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest.*

*The 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' submitted on December 3, 2014 to the Planning Department states that the affordable units designated as on-site units will not be sold as ownership units or remain as ownership units for the life of the project, and therefore will need a waiver from the Costa-Hawkins Rental Housing Act. The Project Sponsor has entered into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The copy of the fully executed Costa-Hawkins agreement is attached in EXHIBIT D.*

- Y. **Market & Octavia Affordable Housing Fee (Section 416).** All development projects in the Market & Octavia Plan Area that are subject to the Residential Inclusionary Affordable Housing Program shall pay an additional housing fee into the Citywide Affordable Housing Fund pursuant to Planning Code Section 416.

The provision of on-site inclusionary housing per Section 415 does not preclude a project from paying the affordable housing fee per Section 416. However, per Section 416(c), a project applicant shall not pay a supplemental affordable housing fee for any square foot of space designated as a below market rate unit under Section [415.1](#) et seq., the Citywide Inclusionary Affordable Housing Program, or any other residential unit that is designated as an affordable housing unit under a Federal, State, or local restriction in a manner that maintains affordability for a term no less than 50 years.

*The Project is located in the Market and Octavia Plan Area and proposes more than 10 dwelling units, making it subject to the Market & Octavia Affordable Housing Fee. The net addition of residential use or change of use to residential fee has a specific fee compared to the replacement, or change of use from, non-residential to residential. Because the project converts office space to residential, a portion of the fee will be assessed for conversion. The balance will be assessed for the net addition of residential use.*

*The project can exclude 45,097 square feet of area from the Market & Octavia Affordable Housing Fee for providing inclusionary housing per Section 415. The Market and Octavia Plan Area fee shall be paid before the City issues a first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13.3 of the San Francisco Building Code (See Conditions of Approval).*

- Z. Market & Octavia Community Improvement Fund (Section 421).** The Market & Octavia Community Improvement Fees apply to the Project Area. These fees shall be charged on net additions of gross square feet which result in a net new residential unit, contribute to a 20 percent increase of non-residential space in an existing structure, or create non-residential space in a new structure. Fees shall be assessed per net new gross square footage on residential and non-residential uses within the Plan Area. Fees shall be assessed on mixed-use projects according to the gross square feet of each use in the project.

*The Project proposes 375,808 gross square feet of new residential use. The Project also proposes 10,220 square feet of new non-residential uses (9,000 sf of retail and 1,220 sf of hotel). Therefore, the project should pay into the Market & Octavia Community Improvement Fund the corresponding fee, which will be assessed and paid prior to issuance of the building permit (See Conditions of Approval).*

- AA. Van Ness and Market Affordable Housing and Neighborhood Infrastructure Fee and Program (Section 424).** Any development project located in the Van Ness and Market Downtown Residential Special Use District (SUD) is subject to fees per Section 424. All uses in any development project within the Van Ness and Market Downtown Residential Special Use District shall pay \$30.00 per *net additional gross square foot* of floor area in any portion of building area exceeding the base development site FAR of 6:1 up to a base development site FAR of 9:1.

*The base FAR of 6.0 permits a 278,940 gsf structure but the project proposes a 330,684 gsf of building yielding a FAR of 7.1 to 1 (with FAR discounts assessed). Therefore, the Van Ness and Market Affordable Housing and Neighborhood Infrastructure Fee will be assessed for the net addition of 51,744 square feet.*

- BB. Market & Octavia Community Improvement Fund (Section 421.5).** The Market & Octavia Community Improvement Fees apply to the Project Area. These fees shall be charged on net additions of gross square feet which result in a net new residential unit, contribute to a 20

percent increase of non-residential space in an existing structure, or create non-residential space in a new structure. Fees shall be assessed per net new gross square footage on residential and non-residential uses within the Plan Area. Fees shall be assessed on mixed-use projects according to the gross square feet of each use in the project.

*The Project proposes 375,808 gross square feet of new residential use. The Project also proposes 10,220 square feet of new non-residential uses (9,000 sf of retail and 1,220 sf of hotel). Therefore, the project will have to pay the corresponding fees per Section 421.5. All monies will be collected by DBI pursuant to Section 421.3(b) and deposited in a special fund maintained by the Controller. The total fee amount to be paid into the Market & Octavia Community Improvement Fund by the Project Sponsor will be assessed prior to issuance of the building permit.*

**CC. Public Art (Section 429).** In the case of construction of a new building or addition of floor area in excess of 25,000 gsf to an existing building in a C-3 District, Section 429 requires a project to include works of art costing an amount equal to one percent of the construction costs of the building.

*The Project estimates a hard construction cost of \$117,119,951, one percent of which is estimated to be \$1,171,200 dedicated to public art. The Project Sponsor has committed to paying approximately \$1,050,000 of the required one percent into the Public Artwork Trust Fund to allow for a commissioned art piece on the western elevation of the Bill Graham Civic Auditorium. The Project Sponsor will provide on-site public art with the \$121,200 remaining balance. The public art concept and location will be subsequently presented to the Planning Commission at an information presentation. The Project will comply with the public art requirement as stated in the [Conditions of Approval](#).*

**DD. First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

*The Project Sponsor has not executed yet a Memorandum of Understanding (MOU) with the City and County of San Francisco, as part of the First Source Hiring Program, however an affidavit for First Source Hiring Program – Section 83 was filed on December 8, 2014.*

**7. Exceptions Request Pursuant to Planning Code Section 309.** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings and grants each exception as further described below:

- A. Section 151.1 Off-Street Parking:** Pursuant to Planning Code Section 151.1, dwelling units in the C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District are permitted to provide up to one car for each four dwelling units. The Planning Commission may consider a request to provide up to 0.5 parking spaces for each dwelling unit through the Downtown Project Authorization exception process. In granting approval for parking accessory to residential uses above what is permitted by right, the Planning Commission shall make the following affirmative findings:

Projects with 50 or more units seeking an exception from Planning Code Section 151.1 must demonstrate that all residential accessory parking in excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allows more space above-ground for housing, maximizes space efficiency and discourages use of vehicles for commuting or daily errands.

*The Project proposes 210 residential off-street parking spaces to serve the 420 units (a ratio of 0.5 to 1), four car share space, a total of 263 bicycle parking spaces, and three loading spaces (one truck loading and two service van loading spaces). The parking spaces and service van loading spaces are provided in a single below-grade level and while the 0.5 ratio is not exceeded, most parking spaces will be accessed via stackers.*

The findings of Section 151.1(e)(1)(B), (e)(1)(C) and (e)(1)(E) 1 are satisfied;

Section 151.1 (e)(1)(B) Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement , or the overall traffic movement in the district;

*The parking spaces will be accessed from the single curb cut and ramp on Hayes Street that will serve all of the parking spaces and the two service vans, as well as provide parking access to the garage in the adjacent 100 Van Ness building. The existing curb cut on 100 Van Ness Avenue will be eliminated, thus, improving walkability conditions on Van Ness which is heavily used by pedestrians who need access to transit.*

*While Hayes Street is a transit route, buses run on the north lane, and access to the parking garage will be from the south lane (the street is one-way westbound). Hayes Street is not a heavily used pedestrian route at this location, and is not a designated bicycle route. Accordingly, vehicle movement associated with the garage will not unduly impact pedestrians, transit service, bicycle movement or the overall traffic movement in the vicinity. Additionally, three existing curb cuts on Hayes Street, measuring 27', 13'-6" and 34'-8" as well as one measuring 25'-2" on Polk Street will all be eliminated and the curb restored.*

*The project proposes one single curb cut as a single shared entrance of 33'7" which is wider than the 27' allowed by the Code and therefore the project requires a variance from Section 145.1. However, the*

*increase in the curb cut width is marginal when compared to the total project curb frontage on Hayes Street, Polk, and Van Ness Avenue. In fact, the concentration of parking/loading on one single point on the project's frontage improves pedestrian and overall traffic movement.*

Section 151.1 (e)(1)(C) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

*All parking is below grade with a single curb cut and parking entrance located on Hayes Street, such that the garage does not degrade the overall urban design of the Project.*

Section 151.1 (e)(1)(E) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

*The excess parking does not diminish the quality or viability of existing or planned streetscape improvements because access to the spaces will share the same curb cut and ramp as the permitted parking, service loading, and car-share spaces. The Project includes numerous streetscape improvements including street trees, landscaping, street furniture, pedestrian scale lighting, sidewalk improvements and a bulb out.*

All parking meets the active use and architectural screening requirements in Section 145.1 and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code.

*Section 145.1 concerns street frontages and active uses. The Project meets all applicable requirements and requires no exceptions or variance from Planning Code requirements regarding active uses or street frontages.*

*Accordingly, a Section 309 exception is warranted to increase the parking ratio from 0.25:1 to 0.5:1.*

- B. Section 148: Ground Level Wind.** Pursuant to Section 148, in C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the development will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 AM and 6:00 PM, the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When pre-existing ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without

creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

*Wind tunnel tests were performed in July 2014 for the proposed project and results were provided to the Department via a Technical Memorandum dated August 4, 2014 and are included in the Community Plan Exemption. The existing conditions test included existing buildings and the 101 Polk Street building which is under construction. Measurements were taken at 25 test points (EXHIBIT E).*

**Comfort Criterion**

*The project area is characterized by very strong and turbulent winds. Under existing conditions, wind speeds meet the comfort criterion at 3 out of 25 test locations (locations #201, 206, and 207). The average of the existing 10% exceeded wind speeds is 16.7 miles per hour at all 25 test points. Wind speeds range from 10 to 27 miles per hour. With the Project, two of the existing pedestrian-comfort criterion exceedances that currently occur on the west side of Van Ness Avenue fronting the Project Site would be eliminated by small decreases in wind speeds. Winds would meet the Section 148 pedestrian-comfort criterion at five test points. The Project does not eliminate existing comfort criterion exceedances but does provide a 6% reduction in hours of pedestrian-comfort criterion exceedance. Given the preexisting ambient wind speeds that exceed the comfort level the proposed building cannot be designed to reduce the ambient wind speeds to eliminate pedestrian-comfort criterion exceedances. A Section 309 exception is required*

*An exception is justified under the circumstance because the project would improve wind conditions. In the aggregate, the average wind speed across all test points would change from 16.7 miles per hour to 15.6 miles per hour, a 6% overall reduction. The Project would not create any net new comfort exceedances.*

*In addition, street trees have been shown to reduce 10% exceeded wind speeds on sidewalks by up to 4 to 6 miles per hour. The Technical Memorandum dated November 18, 2014 recommended that street trees be installed along the Hayes and Polk Street frontages to improve wind conditions. The Project Sponsor is required to provide street trees along frontages pursuant to Planning Code Section 138.1 and has committed to do so. The Memorandum additionally notes that it is very likely that any development that fills empty lots along Hayes Street would result in comparable changes in local wind speeds. Replacing the surface parking lots at 150 Van Ness with structures of most any size will alter the wind patterns in the 150 Van Ness "wind field".*

*For these reasons, an exception from the comfort criterion is appropriate.*

- C. **Section 134: Rear Yard—Lot Coverage.** Planning Code Section 134 requires a rear yard equal to 25% of the lot depth in C-3 districts. Section 249.33(b)(5) modifies the Section 134 rear yard requirement in the Van Ness & Market Downtown Residential Special Use District (SUD) to require a maximum of 80% lot coverage and does not specify the required location of the rear yard. The criteria for granting a rear yard exception in the C-3 districts is set forth in Section 134(d): “C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.”

*The Project provides residential units at all levels including the ground floor where most, but not all the units, face the public right-of-way. Consequently, the lot coverage for the project must be determined at the ground floor level, pursuant to Section 249.33. The total building footprint at the ground level is 38,785 square feet, resulting in lot coverage of 83.4%. The remaining 7,705 square feet of the site (16.6%) is left open to the sky at ground level.*

*While the project exceeds the maximum lot coverage of 80% at the ground level, the site coverage at the typical floor is 69.9%, well below the 80% allowed. In addition, the project has as a “T” building shape with a larger proportion of bulk and massing facing Hayes Street and hence minimizing lot coverage in the interior part of the block. This design approach meets the intent of the rear yard concept, which is to provide an open area towards the “rear” of a given property. The building “T” shape is enhanced by providing two courtyards comprising 30.1% open to the sky areas.*

*The resulting proposed site design improves light and air access for both units in the project as well. The closest building to the project is a two-story building along the 50 Fell property line. The project is designed to provide 5’6” from the “T”, 83’1” from the west courtyard building, and 82’8” from the east courtyard building to the 50 Fell building. The project has 420 units, of which 406 face onto a public street or onto courtyards.*

*For these reasons, an exception from the lot coverage provision is appropriate.*

8. **General Plan Conformity.** The Project would affirmatively promote the following objectives and policies of the General Plan:

**HOUSING ELEMENT:  
Objectives and Policies**

**OBJECTIVE 1**

**IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY’S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.**

**Policy 1.1:**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

**Policy 1.2**

Focus housing growth and infrastructure-necessary to support growth according to community plans.

**Policy 1.10:**

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

*The Project is a high density residential development in a transitioning area. This Project is one of the most important sites within the Market Octavia Area Plan, which strongly emphasizes residential development near transit.*

*The Project site is an ideal infill site that is largely vacant. The project offers a full range of housing options including affordable housing on site.*

**OBJECTIVE 4**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

**Policy 4.4:**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

**OBJECTIVE 12**

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

**Policy 12.1:**

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

*The Project will add residential units to an area that is well-served by transit, services, and shopping opportunities. The Project Site is located within walking distance of the employment cluster of the Civic Center, and is in an area with abundant transit options routes that travel to the South of Market and Financial District areas. The Project includes a mix of studio, one-bedroom, and two-bedroom units in a range of sizes, to provide housing opportunities for various household types and socioeconomic groups*

*within the neighborhood that would be offered as rental housing units. The required inclusionary affordable housing units would be provided on-site and would number 50 units based on the proposed 420 dwelling units*

## **TRANSPORTATION ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 2:**

**USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.**

#### **Policy 2.1:**

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

*The Project is located within an existing high-density urban context. The project area has a multitude of transportation options, and the Project Site is within walking distance of the Market Street transit spine, and thus would make good use of the existing transit services available in this area and would assist in maintaining the desirable urban characteristics and services of the area.*

## **URBAN DESIGN ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 3:**

**MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.**

#### **Policy 3.1:**

Promote harmony in the visual relationships and transitions between new and older buildings.

#### **Policy 3.6:**

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

*The Project would not dominate or otherwise overwhelm the area, as the project is designed in compliance with the bulk and height per zoning governing the entire block. The Project's contemporary design would allow the building to replace existing buildings of comparable height and bulk (a vacant 8-story commercial building with a 9-story addition).*

## **DOWNTOWN AREA PLAN**

## Objectives and Policies

### OBJECTIVE 7:

#### EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

##### Policy 7.1:

Promote the inclusion of housing in downtown commercial developments.

##### Policy 7.2:

Facilitate conversion of underused industrial and commercial areas to residential use.

*The proposed project includes demolition of two existing office buildings, four parking lots and the pedestrian bridge over Hayes Street and new construction of a 120 foot, 13-story building with 420 dwelling units, as part of a mixed-use project with ground-floor commercial retail. The project will expand the supply of housing in and adjacent to downtown.*

## MARKET AND OCTAVIA PLAN

### Objectives and Policies

#### Policy 1.1.2:

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

#### Policy 1.2.2:

Maximize housing opportunities and encourage high-quality commercial spaces on the ground floor.

*The Project is located within an existing high-density urban context and would convert underutilized commercial office buildings into high-density housing in an area that has a multitude of transportation options. The project includes a mix of studio, one, two and three bedroom units, and approximately 9,000 square feet of ground floor retail. Many of the residential units are provided at the ground level with direct access from the street.*

### OBJECTIVE 2.2

#### ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

##### Policy 2.2.2:

Ensure a mix of unit sizes is built in new development and is maintained in existing housing stock.

**Policy 2.2.4:**

Encourage new housing above ground-floor commercial uses in new development and in expansion of existing commercial buildings.

*The proposed project includes 420 dwelling units, three guest suites, and approximately 9,000 square feet of ground floor retail on the first floor. The project includes a mix of studio, one, two and three bedroom units, which helps maintain the diversity of the housing stock in the city.*

**OBJECTIVE 5.1:**

**IMPROVE PUBLIC TRANSIT TO MAKE IT MORE RELIABLE, ATTRACTIVE, CONVENIENT, AND RESPONSIVE TO INCREASING DEMAND.**

**Policy 5.1.2:**

Restrict curb cuts on transit-preferential streets.

**OBJECTIVE 5.2:**

**DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.**

**Policy 5.2.3:**

Minimize the negative impacts of parking on neighborhood quality.

**OBJECTIVE 5.3:**

**ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.**

**Policy 5.3.1:**

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

*Van Ness Avenue from Hayes Street to Mission Street has been identified as a transit-preferential street. As such, the off-street parking access is provided on Hayes Street to minimize impacts to pedestrians, transit service, bicycle movement and overall traffic movement on Van Ness Avenue and the future Van Ness BRT. All parking will be located below grade, thus, improving the overall urban design of the Project. The street-level design of the Project provides mostly active uses including 9,000 square feet of retail and direct access to several residential units. The existing curb cut on 100 Van Ness will be closed.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments. In addition, the Project would include 9,000 square feet of retail space to provide goods and services to residents in the area, contribute to the economic vitality of the area, and will define and activate the streetscape.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The project will not diminish existing housing stock, and will add 420 dwelling units in a manner that enhances the vitality of the neighborhood.*

- C. That the City's supply of affordable housing be preserved and enhanced.

*No housing is removed for this Project. A total of 50 affordable dwelling units will be provided on-site.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well-served by public transit, providing connections to all areas of the City and to the larger regional transportation network. While the project is granted an exception to increase the parking ratio from 0.25:1 to 0.5:1, only one parking access is provided in the opposite side of the bus lane that runs on Hayes Street, thus, not impeding transit service. Also, all project parking will be provided below grade (mostly on stackers) and will not overburden neighborhood parking.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will not displace any service or industry establishment, and does not propose any office development. The Project would replace an 8-story vacant office building with 420 residential units. The Project will include 9,000 square feet of retail space that will provide employment opportunities for area residents.*

- F. That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved.

*The existing 8-story office buildings that will be demolished as part of the project and is not a landmark or historic building.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The Project will not cast net new shadows or impede views for parks and open spaces in the area, nor have any negative impact on existing public parks and open spaces. A shadow analysis determined that the Project would not cast net new shadow on Civic Center Plaza or any other open space under the jurisdiction of, or designated to be acquired by the Recreation and Park Commission. The Project would cast new shadow year-round in the early morning in December on the landscaped areas adjacent to the War Memorial Opera House, at the corner of Grove Street and Van Ness Avenue, but would not be expected to adversely affect the use of this space. The Project would not add new shadow to the landscaped areas adjacent to City Hall or the landscaped areas or raised steps of the Main Library*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of this Section 309 Authorization including exceptions would promote the health, safety, and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2013.0973ECVX** under Planning Code Section 309.1 to demolish two existing office buildings, four parking lots and the pedestrian bridge over Hayes Street, and to construct a 120 foot, 13-story building with approximately 450,577 square foot, 420 dwelling units, three hotel room guest suites, and 9,000 square foot of ground floor retail on five lots. The project site is located within the C-3-G (Downtown General) zoning, 120-R-2 height and bulk district in the Van Ness & Market Downtown Residential Special Use District (SUD), with exceptions to the requirements for ground level wind currents pursuant to Planning Code Section 148, parking exceeding principally-permitted amounts pursuant to Planning Code Section 151, and rear yard—lot coverage pursuant to Planning Code Section 249.33.

The project is subject to general conformance with plans on file, dated March 6, 2015, and stamped “EXHIBIT B” included in the docket for Case No. 2013.0973X and subject to Conditions of Approval reviewed and approved by the Commission on April 2, 2015 under Motion No. **XXXXXX** and attached hereto as “EXHIBIT A”. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

The Planning Commission hereby adopts the MMRP attached hereto as “EXHIBIT C” and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Market Octavia Area Plan EIR and contained in the MMRP are included as conditions of approval.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309.1 Downtown Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.**

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission’s adoption of this Motion, Resolution, Discretionary Review Action or the Zoning

Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on April 2, 2015.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 2, 2015

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Downtown Project Authorization pursuant to Planning Code Section 309 to demolish two existing office buildings, four parking lots and the pedestrian bridge over Hayes Street, and to construct a 120 foot, 13-story building with approximately 450,577 square foot, 420 dwelling units, three hotel room guest suites, and 9,000 square foot of ground floor retail on five lots. The project site is located within the C-3-G (Downtown General) zoning, 120-R-2 height and bulk district in the Van Ness & Market Downtown Residential Special Use District (SUD), with exceptions to the requirements for ground level wind currents pursuant to Planning Code Section 148, parking exceeding principally-permitted amounts pursuant to Planning Code Section 151, and rear yard—lot coverage pursuant to Planning Code Section 249.33. The project is subject to general conformance with plans on file, dated March 6, 2015, and stamped “EXHIBIT B” included in the docket for Case No. 2013.0973X and subject to Conditions of Approval reviewed and approved by the Commission on April 2, 2015 under Motion No. XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on April 2, 2015 under Motion No. XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. “Project Sponsor” shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

6. **Mitigation Measures.** Mitigation measures described in the MMRP for the Market and Octavia Area Plan EIR and for 150 Van Ness Avenue (Case No. 2013.0973E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

*For information about compliance, contact Environmental Planning, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Additional Project Authorization.** The Project Sponsor must obtain Conditional Use Authorization (CUA) to exempt the floor area attributed to the on-site inclusionary affordable units from the Floor Area Ratio (Planning Code Section 124), and to authorize three guest suites as hotel rooms (Planning Code Section 216). Further, the project requires variances from dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Sections 145.1 and 155), in addition to a height exemption for the 120-foot height limit for the elevator penthouse (Planning Code Section 260) that requires administrative approval by the Zoning Administrator. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Prior Conditions of Approval – Relocation of Off-Street Parking Access.** Pursuant to Planning Code Section 155(r), and per Motion No. 18682 of August 2, 2012, Case No. 2012.0032EXV, the off-street parking access/curb cut on 100 Van Ness Avenue shall be re-located to 155 Hayes Street. Since the property on 155 Hayes is part of the proposed project at 150 Van Ness, the off-street parking access/curb cut will need to be provided on 150 Van Ness. The existing curb cut/Van Ness access entrance will be allowed to be temporarily maintained until the first of three events occurs: 1) the completion of planned construction at 155 Hayes Street, 2) the five year anniversary of the Project entitlement (August 2, 2017), or 3) the commencement of BRT operations on Van Ness Avenue.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

9. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. Additionally, the Project Sponsor shall continue to further refine the building design so greater façade texture and depth is expressed on the building facades to reflect the new residential nature of the building. The Project Sponsor shall continue to work with the Planning Department to refine the building glass to a lighter hue so it may more closely match the lighter colors that are typical of the nearby Beaux Arts core of the

Civic Center area, as well as visually prominent high-rise buildings in San Francisco. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

10. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

11. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the architectural addendum to the site permit.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

12. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the architectural addendum to the permit. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

13. **Downtown Streetscape Plan – C3 Districts.** Pursuant to Planning Code Section 138.1 and the Downtown Streetscape Plan, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project is required to eliminate the existing curb cut on Van Ness that was part of the conditions of approval for 100 Van Ness ( Case No. 2012.0032X). A 33'-7" curb cut is being provided along Hayes Street to access both the residential parking garage access and service loading dock. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

14. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. In addition, because street trees have been shown to reduce 10% exceeded wind speeds on sidewalks and the project is receiving an exception for ground level wind currents, street trees shall be installed particularly along the Hayes and Polk Street frontages to improve wind conditions per recommendation of a Technical Memorandum dated November 18, 2014. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

15. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff prior to Planning approval of the architectural addendum to the site permit. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

16. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- On-site, in a driveway, underground;
- On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;

- Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- Public right-of-way, underground; and based on Better Streets Plan guidelines;
- Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

17. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

## PARKING AND TRAFFIC

18. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

19. **Car Share.** Pursuant to Planning Code Section 166, no fewer than **four (4) car share spaces** shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

20. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 201 bicycle parking spaces for residential use (180 Class 1 spaces and 21 Class 2 spaces). In addition, the Project shall provide no fewer than four bicycle parking spaces for the retail use (one Class 1 space and three Class 2 spaces).  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
21. **Parking Maximum.** Pursuant to Planning Code Section 151.1 dwelling units in the C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District are permitted to provide up to one car for each four dwelling units. Per the Downtown Project Authorization exception process, parking accessory to residential uses above what is permitted by right is granted and shall be no more than 210 off-street parking spaces to serve the 420 dwelling units (or 0.50 off-street parking spaces for each dwelling unit). All parking shall be provided in a single below-grade level and shall be accessed via stackers.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
22. **Off-street Loading.** Pursuant to Planning Code Section 152, the Project will provide **three** off-street loading spaces (one truck loading and two service van loading spaces).  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
23. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

24. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.  
*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*
25. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings

submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Affordable Units: Inclusionary Affordable Housing Program**

- 26. Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 420 units; therefore, 50 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 50 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- 27. Unit Mix.** The project contains a total of 420 dwelling units, 24 studios, 222 one-bedroom units, 160 two-bedroom units, and 14 three-bedroom units. Therefore, the required unit mix is three studios, 27 one-bedroom units, 18 two-bedroom units, 2 three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- 28. Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- 29. Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as on-site affordable units.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

**30. Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

**31. Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii)

- subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
  - d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual.
  - e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
  - f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has submitted a draft of the Costa Hawkins agreement and will be executed and recorded a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.
  - g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

32. **Market Octavia Affordable Housing Fee.** Pursuant to Planning Code Section 416, the Project Sponsor shall comply with the Market Octavia Affordable Housing requirements through payment of the Market Octavia Affordable Housing Fee to the Treasurer, prior to the issuance by Department of Building Inspection of the first certificate of occupancy for the development project. The project can exclude 45,097 square feet of area from the Market & Octavia Affordable Housing Fee for providing inclusionary housing per Section 415.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

33. **Market Octavia Community Improvements Fund.** Pursuant to Planning Code Section 421, the Project Sponsor shall comply with the Market Octavia Community Improvements Fund provisions through payment of an Impact Fee to the Treasurer, or the execution of a Waiver Agreement, or an In-Kind agreement approved as described per Planning Code Section 421 (formerly 326) prior to the issuance by Department of Building Inspection of the construction document for the development project. The Project proposes approximately 375,808 gross square feet of new residential use. The Project also proposes 10,220 square feet of new non-residential uses (9,000 sf of retail and 1,220 sf of hotel). Therefore, the project should pay into the Market & Octavia Community Improvement Fund the corresponding fee, which will be assessed and paid prior to issuance of the building permit (See Conditions of Approval).

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

34. **Market and Octavia – Van Ness & Market Street Affordable Housing Fee.** Pursuant to Planning Code 424.3, the Project Sponsor shall pay the Van Ness Market Street Affordable Housing Fee or execute an In-Kind Agreement with the Planning Department prior to issuance of the first construction document.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

35. **Art.** Pursuant to Planning Code Section 429, the Project shall include work(s) of art valued at an amount equal to 1% of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

36. **Art Plaques.** Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

37. **Art.** Pursuant to Planning Code Section 429, the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the submittal of the first building or site permit application

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

38. **Art - Residential Projects.** Pursuant to Planning Code Section 429, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund; or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING

39. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

40. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

41. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*
42. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
43. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
44. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Draft Motion  
April 2, 2015**

**CASE NO. 2013.0973ECVX  
150 Van Ness Avenue**



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (Market Octavia Impact Fees)

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Draft Motion HEARING DATE: APRIL 2, 2015

*Date:* April 2, 2015  
*Case No.:* **2013.0973ECVX**  
*Project Address:* **150 VAN NESS AVENUE**  
*Zoning:* C-3-G (Downtown General)  
 Van Ness and Market Downtown Residential Special Use District  
 120-R-2 Height and Bulk District  
*Area Plan:* Market and Octavia  
*Block/Lot:* 0814/001, 14, 15, 16 and 21  
*Project Sponsor:* Marc Babsin  
 Emerald Fund  
 532 Folsom Street, Suite 400  
 San Francisco, CA 94105  
*Staff Contact:* Gonzalo Mosquera – (415) 575-9165  
[gonzalo.mosquera@sfgov.org](mailto:gonzalo.mosquera@sfgov.org)

**ADOPTING FINDINGS GRANTING CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 124(F) TO ALLOW ADDITIONAL SQUARE FOOTAGE ABOVE THE BASE FLOOR AREA RATIO FOR DWELLING UNITS THAT WILL BE AFFORDABLE FOR A MINIMUM OF 20 YEARS TO HOUSEHOLDS WHOSE INCOMES ARE WITHIN 150 PERCENT OF THE MEDIAN INCOME AND 216(B) TO AUTHORIZE THREE HOTEL ROOM GUEST SUITES, IN CONNECTION WITH A PROPOSAL TO DEMOLISH TWO EXISTING OFFICE BUILDINGS, FOUR PARKING LOTS AND THE PEDESTRIAN BRIDGE OVER HAYES STREET, AND TO CONSTRUCT A 120 FOOT, 13-STORY BUILDING WITH APPROXIMATELY 450,577 SQUARE FOOT, 420 DWELLING UNITS, THREE HOTEL ROOM GUEST SUITES, AND 9,000 SQUARE FOOT OF GROUND FLOOR RETAIL ON FIVE LOTS. THE PROJECT SITE IS LOCATED WITHIN THE C-3-G (DOWNTOWN GENERAL) ZONING, 120-R-2 HEIGHT AND BULK DISTRICT IN THE VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT (SUD), AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

## **PREAMBLE**

On April 23, 2014, Marc Babsin on behalf of Emerald Fund and Van Ness Hayes Associates, LLC (hereinafter "Project Sponsor") filed Application No. 2013.0973X (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Downtown Project Authorization to demolish two existing office buildings, four parking lots and the pedestrian bridge over Hayes Street, and to construct a 120 foot, 13-story building with approximately 450,577 square foot, 420 dwelling units, three hotel room guest suites, and 9,000 square foot of ground floor retail on five lots (Block 0814, Lots 001, 014, 015, 016 and 021). The project site is located within the C-3-G (Downtown General) zoning, 120-R-2 Height and Bulk district, in the Van Ness & Market Downtown Residential Special Use District (SUD).

On April 23, 2014, Marc Babsin on behalf of Emerald Fund and Van Ness Hayes Associates, LLC (hereinafter "Project Sponsor") also filed as part of the project Application No. 2013.0973C for Conditional Use Authorization (CUA) to exempt the floor area attributed to the on-site inclusionary affordable units from the Floor Area Ratio (Planning Code Section 124), and to authorize three guest suites as hotel rooms (Planning Code Section 216).

On April 23, 2014, Marc Babsin on behalf of Emerald Fund and Van Ness Hayes Associates, LLC (hereinafter "Project Sponsor") also filed as part of the project Application No. 2013.0973V for certain variances from the Planning Code. The following variances are part of the project: dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Sections 145.1 and 155). Although not a variance, the project sponsor also requested a height exemption for the 120-foot height limit for the elevator penthouse (Planning Code Section 260) that requires administrative approval by the Zoning Administrator.

The San Francisco Planning Department reviewed the Market and Octavia Plan under the Market and Octavia Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and at a public hearing on April 5, 2007, by Motion No. 17406, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). The certification of the EIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. The Final EIR has been made available for review at the Planning Department.

State CEQA Guidelines Section 15183 provides a process for environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the

parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on March 12, 2015, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3 ("the Exemption"). The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Final EIR. Since the final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Market and Octavia Plan Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

The Project files, including the Exemption dated March 12, 2015, have been made available for review by the Commission and the public, and those files are part of the record before this Commission; and the Planning Department, Jonas O. Ionin, is the custodian of records, located in the File for Case No. 2013.0973X at 1650 Mission Street, 4<sup>th</sup> Floor, San Francisco, California.

On April 2, 2015, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Downtown Project Authorization Application No. 2013.0973CVX. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby approves the Conditional Use authorization to allow additional square footage above the base floor area ratio for dwelling units that will be affordable for a minimum of 20 years to households whose incomes are within 150 percent of the median income and allow three guest suites to operate as a hotel use requested in Application No. 2013.0973CVX, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The proposed project is located across five separate lots that occupy the entire southern block face of Hayes Street between Van Ness Avenue and Polk Street. Lot 014 at the southeast intersection of Van Ness Avenue and Hayes Street is occupied by a

vacant 8-story commercial building with a 9-story addition (155 Hayes Street) that encroaches into a portion of the adjacent lot 015. A pedestrian bridge crosses Hayes Street at the second story to connect this portion of the structure to the office building across the street (150 Hayes Street). A majority of lot 015 as well as lots 016, 021 and 001 are occupied by surface parking lots.

The subject building at 150 Van Ness Avenue was constructed circa 1925 with the addition at 155 Hayes constructed in 1958 as part of the complex of California State Automobile Association (CSAA) building. In addition to the subject properties, the former CSAA complex also included 150 Hayes Street (1967) and the pedestrian bridge (1968) connecting it to the subject building and 100 Van Ness Avenue. The structure at 150 Van Ness is clad in cast stone panels on the ground story with an aluminum-frame, glass and plastic curtain-wall applied to the upper stories. Designed in the Spanish Renaissance Revival style, the lobby retains many original plaster, textured glass, painted ceiling beams, molded doors, a long wooden teller desk and several original light fixtures. The nine story addition at 155 Hayes Street is structurally tied to 150 Van Ness Avenue and shares elevators, stairways and lobby with the original building.

The subject buildings to be demolished at 150 Van Ness Avenue are presently vacant. The current work at the existing buildings is being done under two separate permits: soft demolition (removal of carpeting, walls, doors, lightings, etc.) and exterior skin removal/hazardous material abatement. Planning approved the skin removal permit in advance of the entitlements hearing on account of the hazardous material abatement. The skin contained asbestos and PCBs. The actual demolition of the building itself will follow the Planning Commission hearing and issuance of the demolition permit.

- 3. Surrounding Properties and Neighborhood.** The project site is prominently located on Van Ness Avenue in the Downtown Civic Center neighborhood, adjacent to both the Hayes Valley and South of Market neighborhoods. The surrounding mixed-use area contains diverse building types including residential, office and educational, civic and commercial. The project site is located directly across Van Ness Avenue from the southwestern-most block of the locally-listed Civic Center Historic District. The district includes one of the best realized collections of City Beautiful Movement buildings in America and its central focus is City Hall, located one block south of the project site.

The project site is located within the C-3-G Downtown General Zoning District, the Van Ness and Market Downtown Residential Special Use District and within the Market and Octavia and Downtown Area Plans. The C-3-G Zoning District covers the western portions of downtown and is composed of a variety of uses: retail, offices, hotels, entertainment, institutions, and high-density residential. Many of these uses have a Citywide or regional function. The intensity of development in the area is currently lower than the downtown core area, however, a number of high density mixed-use development projects are in the pipeline for the immediate area, including the nearly completed 100 Van Ness Avenue project, 30 Van Ness Avenue, 1540 Market Street, 1 Franklin Street, 10 South Van Ness Avenue, the Goodwill campus and 1601 Mission Street.

The Van Ness & Market Downtown Residential Special Use District is comprised of the parcels zoned C-3-G in the Market Octavia Better Neighborhoods Plan area. This district is generally comprised of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Street, along with parcels on both sides of Market and Mission Streets between 10th and 12th Streets. This district is intended to be a transit-oriented, high-density, mixed-use neighborhood with a significant residential presence. This area is encouraged to transition from largely a back-office and warehouse support function to downtown into a more cohesive downtown residential district, and serves as a transition zone to the lower scale residential and neighborhood commercial areas to the west of the C-3. A notable amount of large citywide commercial and office activity will remain in the area, including government offices supporting the Civic Center and City Hall. This area was initially identified in the Downtown Plan of the General Plan as an area to encourage housing adjacent to the downtown. As part of the city's Better Neighborhoods Program, this concept was fully articulated in the Market and Octavia Area Plan.

Immediately adjacent to the subject property on Van Ness Avenue is the 28-story, 418-dwelling unit 100 Van Ness property. Adjacent to the subject property on Polk Street is a 4-story residential building at 55 Polk Street. The remainder of the subject block is occupied by a 3-story commercial building at 45 Polk Street, a 20-story residential building at 1 Polk Street known as Argenta and a 3-story institutional building at 50 Fell Street.

4. **Project Description:** The proposed project includes demolition of two existing office buildings, four parking lots and the pedestrian bridge over Hayes Street, and new construction of a 120 foot, 450,577 square foot, 13-story building with approximately 420 dwelling units, three guest suites, 9,000 square feet of ground floor retail, 210 off-street parking spaces and 263 bicycle parking spaces (a mix of Class 1 and Class 2). The project includes a mix of studio, one, two and three bedroom units, a multi-use space, fitness room and yoga studio, bike repair, pet wash, tech shop, lounges, a theater and third floor pool deck. A total of 16,368 sf of common open space is required and provided on a terrace and the balance on the roof, which also satisfies the common usable open space requirements for 18 dwelling units located at the adjacent 100 Van Ness project. Private usable open space is provided for 79 units via balconies and private courtyards. The project includes 50 inclusionary affordable housing units (12% of total), provided on site. The existing parking entrance for 100 Van Ness, along Van Ness Avenue, will be eliminated and a shared parking entrance will be provided on Hayes Street for both 150 Van Ness and 100 Van Ness.
  
5. **Public Comment.** As of April 1, 2015, the Department has received 10 letters of support for the proposed project from the following organizations:
  - San Francisco Housing Action Coalition
  - San Francisco Symphony
  - San Francisco Ballet

- Community Leadership Alliance
- Civic Center Community Benefit District
- The Alliance for a Better District 6 is supportive.
- Another Planet Entertainment is supportive.
- Beer Hall

The Hayes Valley Neighborhood Association is supportive overall and hopes that historic elements of the lobby can be salvaged and that Hayes Street will be made to be a two-way street. SPUR is also supportive overall and encourages increased bike parking, more landscaping along Hayes Street and more pronounced building entry.

6. **Planning Code Compliance.** The Planning Code Compliance Findings set forth in Motion No. XXXXX, Case No. 2013.0973X (Large Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the Downtown General District is 6.0 to 1. Section 124(f) provides that in C-3-G Districts, additional square footage above the base FAR of 6.0 to 1 may be approved by conditional use for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income, as defined in Section 124 (f).

In the C-3-G District, the maximum floor area may be increased to 1.5 times the base floor area limit of 6.0 to 1 to 9.0 to 1. In the Van Ness and Market Downtown Residential Special Use District any increment of FAR above the base FAR and up to maximum FAR requires payment into the Citywide Affordable Housing Fund per additional gross square foot for that increment of FAR above the base FAR (Sec. 249.33). FAR above 9:1 can be allowed through payment into the Van Ness & Market Neighborhood Infrastructure Fee.

*The base FAR of 6.0 permits a 278,940 gsf structure and the project proposes a 330,538 gsf building yielding a FAR of 7.1 to 1.0. The proposed residential gsf is 377,028 with 1,220 gsf devoted to hotel use and 9,000 gsf for retail use. Square footage devoted to mechanical, lobby, and back of house functions and parking are exempt from FAR. To satisfy the Citywide Affordable Housing Fund pursuant to Planning Code Sections 249.33(b)(6) and 424, the Project will be required to pay \$36.41 (the 2015 fee amount) per additional gross square foot over the base FAR, or 51,598 square feet.*

*The Project requests Conditional Use Authorization for additional floor area from the affordable units, which will allow the Project to meet its inclusionary housing requirement on-site as opposed to off-site or through the payment of an in-lieu fee. Section 124(f) requires the units to be affordable for a minimum of 20 years to households whose incomes are within 150 percent of the median income. The on-site affordable units will satisfy the inclusionary housing requirements of Section 415, which require inclusionary rental units to be permanently affordable to households whose incomes are within*

*55 percent of the area median income or ownership units to be permanently affordable to households whose incomes are within 90 percent of the median income. Thus, the Project's inclusionary units will be more affordable than the requirements set forth in Section 124(f).*

- B. **Uses (Sections 216(b)(i) and 218(a) and Section 209.2(d).** The Project Site is located in a Downtown General (C-3-G) District wherein residential and commercial uses are permitted. Areas in the City identified as Downtown General include a variety of different uses, such as retail, offices, hotels, entertainment, clubs and institutions and high-density residential. Many of these uses have a Citywide or regional function, although the intensity of development is lower there than in the downtown core area.

*The Project proposes a primarily residential use building with ground floor retail, both of which are principally permitted in the C-3-G Zoning District. The Project also proposes three guest suites intended to function as an amenity to tenants. The three ground floor guest suites are deemed hotel rooms under the Planning Code and require conditional use authorization in the C-3-G district, pursuant to Section 209.2(d): "Hotel, inn or hostel containing no more than five rooms or suites of rooms."*

*The Project requests Conditional Use Authorization for hotel use pursuant to Planning Code Section 216(b). The three guest hotel suites will be a necessary and desirable amenity for residents of 150 Van Ness. The residents of 100 and 150 Van Ness will be able to reserve a guest suite for their visitors for stays of up to 7 days. For example, if a resident's parents are visiting from out of town, the resident could reserve one of the guest suites, rather than having the resident's parents stay off-site in a tourist hotel. The resident will be assessed a charge for the suite similar to the assessment for the use of a private party room.*

7. **Planning Code Section 303 (c)** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with the criteria of Section 303, in that:
- A. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or community.

*The Project is necessary and desirable for the neighborhood because it will revitalize a large site that currently have vacant commercial buildings and surface parking lots with a residential development providing 420 units of rental housing. Severe competition for existing housing is creating the greatest pressure on the supply of housing affordable to households of lower and moderate income. The 50 on-site affordable units will add to that supply in a neighborhood with numerous transit options.*

*Providing a total of 420 dwelling units in the Civic Center area will assist in alleviating the City's housing shortage for numerous families and smaller households. With approximately 420 units, the Project will bring a substantial number of people to the neighborhood on a 24 hour, 7 day a week basis. The influx of residents will enliven the Civic Center area, which is often deserted in the evening hours*

*after government offices close, strengthen the customer base of retail uses in the neighborhood, and generate a substantial amount of pedestrian activity throughout the area, resulting in a safer neighborhood. The active residential uses at the ground floor and public realm improvements along the public rights-of-way will create a vibrant focal point for the area, activating the streetscape and creating visual interest for pedestrians at a prominent site location. The Project is compatible with the neighborhood and community in terms of use and scale; and offers residents access to important amenities and support services.*

*The Project proposes a primarily residential use building with ground floor retail, both of which are principally permitted in the C-3-G Zoning District. The Project also proposes three guest suites intended to function as an amenity to tenants. The three ground floor guest suites are deemed hotel rooms under the Planning Code and require conditional use authorization in the C-3-G district, pursuant to Section 209.2(d): "Hotel, inn or hostel containing no more than five rooms or suites of rooms."*

*The Project requests Conditional Use Authorization for hotel use pursuant to Planning Code Section 216(b). The three guest hotel suites will be a necessary and desirable amenity for residents of 150 Van Ness. The residents of 100 and 150 Van Ness will be able to reserve a guest suite for their visitors for stays of up to 7 days. For example, if a resident's parents are visiting from out of town, the resident could reserve one of the guest suites, rather than having the resident's parents stay off-site in a tourist hotel. The resident will be assessed a charge for the suite similar to the assessment for the use of a private party room.*

*San Francisco is a city with limited housing affordability and dwelling unit areas / rooms. The current housing inventory offers almost no opportunity for most families to have guest rooms where they can accommodate visitors or unforeseen family needs. The possibility to have short-term hotel suites in close proximity to meet these needs is a rare component of the typical residential project, and becomes highly desirable especially for families interested in living and consolidating a lifestyle in a downtown neighborhood.*

- B. The use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:
  - i. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures.

*The Project Site is large, comprised of five rectangular lots that make up the southern block face of Hayes Street between Van Ness Avenue and Polk Street. The size and shape of the site are adequate for accommodating a high-density residential development. The height and overall massing of the Project are appropriate for the site and the neighborhood. The building has been carefully designed in a "T-shape" to provide adequate light and air to each of the proposed*

*dwelling units. To maximize common open space on the site, the Project provides a large roof deck, terraces, and an inner court. Site coverage for the typical floor plate is about 70% of the site, freeing up 30% to the site open to the sky. The structure meets the Design Principles of the Market & Octavia Area Plan and compliments the office, civic and institutional nature of the neighborhood. With Conditional Use Authorization for the additional square footage for the inclusionary units and hotel suites, the size, shape, and arrangement of the structures on the site will be able to accommodate the Project as proposed.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

*The Project Site is located within an urban context, where convenience goods and services are available within walking distance. Given the proximity of multiple public transit alternatives (BART, Golden Gate Transit, MUNI, and SamTrans), the on-site bicycle parking and on-site car share, the Project will provide an adequate amount of parking (210 residential spaces for 420 rental dwelling units in a below-grade garage – a ratio of 0.5:1) to be accessed from Hayes Street, which is the maximum amount of parking permitted by Section 151.1. The Project provides one truck and two service vehicle parking spaces in the below-grade garage. All off-street parking and loading will be accessed off of Hayes Street. No new curb cuts are permitted on Van Ness Avenue, and a parking or loading entrance on Polk Street would be in conflict with that street's protected bike lane.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.

*The Project, which is predominantly residential in nature, will not emit any noxious odors or other offensive emissions. While some temporary increases in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. During construction, appropriate measures will be taken to minimize dust and noise as required by the Building Code and any measures set forth in the Project's Community Plan Exemption (CPE). All window glazing will comply with the Planning Code and relevant design guidelines to eliminate or reduce glare.*

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

*The Project includes street trees along Van Ness Avenue, Hayes Street and Polk Street frontages, as well as trees and other vegetation which would be located in the courtyards, balconies, terraces, and walk-up entries along Hayes Street. The Project provides for 79 private open spaces as balconies and a total of 16,368 sf of common open space in the roof including 864 sf for 100 Van*

*Ness. The open space provided as an inner court and located on the ground floor does not meet the requirements so it is additional open space.*

*The garage is below grade and the Hayes Street loading space is enclosed, thus all parking and loading is screened from view. All proposed lighting and signage will comply with the requirements of the Planning Code and be typical to residential projects. The detailed lighting and signage plans would be subject to approval by the Planning Department.*

- C. That such use or feature as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with the applicable sections of the Code. The residential uses contemplated for the Project are permitted within the C-3-G District. The Project complies with use and density requirements. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop and reach amenities by walking, transit and bicycling. The Project conforms to multiple goals and policies of the General Plan, as described in further detail in Item 8. General Plan Conformity.*

8. **Planning Code Section 303 (g) – Hotels and Motels.** With respect to applications for development of tourist hotels and motels, the Planning Commission shall consider the following criteria:

- A. The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, childcare and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

*The Project proposes three guest suites as an amenity for residents of the Project. Residents will pay a fee for use of the guest suites for their guests. As such, operation of the guest suites will be conducted by building management and will not create the need for additional employees and will not create additional demand for housing, public transit, childcare or other social services.*

- B. The measures that will be taken by the Project Sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation;

*The Project Sponsor has not yet executed a Memorandum of Understanding (MOU) with the City and County of San Francisco, as part of the First Source Hiring Program, however an affidavit for First Source Hiring Program – Section 83 was filed on December 8, 2014.*

- C. The market demand for a hotel or motel of the type proposed;

*The three hotel guest suites, restricted to use by visitors of Project residents, are a unique amenity and will not compete with other tourist hotels for customers. Rather, they will allow residents to host their*

*out of town visitors on site in a comfortable environment. The Project Sponsor finds a market demand for this type of amenity in large residential developments.*

9. **General Plan Consistency.** The General Plan Consistency Findings set forth in Motion No. XXXXX, Case No. 2013.0973X (Large Project Authorization, pursuant to Planning Code Section 309) apply to this Motion, and are incorporated herein as though fully set forth.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments. In addition, the Project would include 9,000 square feet of retail space to provide goods and services to residents in the area, contribute to the economic vitality of the area, and will define and activate the streetscape.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The project will not diminish existing housing stock, and will add 420 dwelling units in a manner that enhances the vitality of the neighborhood.*

- C. That the City's supply of affordable housing be preserved and enhanced.

*The Project does not constrain or reduce the supply of affordable housing. A total of 50 affordable dwelling units will be provided on-site.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network.*

*While the project is granted an exception to increase the parking ratio from 0.25:1 to 0.5:1, the project will replace surface parking lots that already exist on the site, all of which already generates ingress/egress activity. Further, per a traffic impact analysis prepared as part of the EIR's Community Plan Exemption (CPE), "the project does not result in material change in the Level of Service (LOS) or increase delay during the PM-peak hour."*

*The Project eliminates various curb cuts and access to surface parking lots along Hayes Street and provides only one parking access in the opposite side of the bus lane that runs on Hayes Street, thus,*

*not impeding transit service. Also, all project parking will be provided below grade (mostly on stackers) and will not overburden neighborhood parking.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will not displace any service or industry establishment, and does not propose any office development. The Project would replace an 8-story vacant office building with 420 residential units. The Project will include 9,000 square feet of retail space that will provide employment opportunities for area residents.*

- F. That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved.

*The existing 8-story office buildings that will be demolished as part of the project are not a landmark or historic building.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The Project will not cast net new shadows or impede views for parks and open spaces in the area, nor have any negative impact on existing public parks and open spaces. A shadow analysis determined that the Project would not cast net new shadow on Civic Center Plaza or any other open space under the jurisdiction of, or designated to be acquired by the Recreation and Park Commission. The Project would cast new shadow year-round in the early morning in December on the landscaped areas adjacent to the War Memorial Opera House, at the corner of Grove Street and Van Ness Avenue, but would not be expected to adversely affect the use of this space. The Project would not add new shadow to the landscaped areas adjacent to City Hall or the landscaped areas or raised steps of the Main Library*

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The Commission hereby finds that approval of this Conditional Use Authorization would promote the health, safety, and welfare of the City.

## **DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0973C** under Planning Code Sections 124, 216, 218, 209.2, and 303 for approximately 45,047 square feet of inclusionary housing and 1,220 square feet of hotel use, to demolish two existing office buildings, four parking lots and the pedestrian bridge over Hayes Street, and to construct a 120 foot, 13-story building with approximately 450,577 square foot, 420 dwelling units, three hotel room guest suites, and 9,000 square foot of ground floor retail on five lots. The project site is located within the C-3-G (Downtown General) zoning, 120-R-2 height and bulk district in the Van Ness & Market Downtown Residential Special Use District (SUD), with exceptions to the requirements for ground level wind currents pursuant to Planning Code Section 148, parking exceeding principally-permitted amounts pursuant to Planning Code Section 151, and rear yard—lot coverage pursuant to Planning Code Section 249.33.

The project is subject to general conformance with plans on file, dated March 6, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0973C and subject to Conditions of Approval reviewed and approved by the Commission on April 2, 2015 under Motion No. XXXXXX and attached hereto as "EXHIBIT A". This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

The Planning Commission hereby adopts the MMRP attached hereto as "EXHIBIT C" and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Market Octavia Area Plan EIR and contained in the MMRP are included as conditions of approval.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the

development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on April 2, 2015.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 2, 2015

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use Authorization under Planning Code Sections 124, 216, 218, 209.2, and 303 for approximately 45,047 square feet of inclusionary housing and 1,220 square feet of hotel use, to demolish two existing office buildings, four parking lots and the pedestrian bridge over Hayes Street, and to construct a 120 foot, 13-story building with approximately 450,577 square foot, 420 dwelling units, three hotel room guest suites, and 9,000 square foot of ground floor retail on five lots. The project site is located within the C-3-G (Downtown General) zoning, 120-R-2 height and bulk district in the Van Ness & Market Downtown Residential Special Use District (SUD), with exceptions to the requirements for ground level wind currents pursuant to Planning Code Section 148, parking exceeding principally-permitted amounts pursuant to Planning Code Section 151, and rear yard—lot coverage pursuant to Planning Code Section 249.33. The project is subject to general conformance with plans on file, dated March 6, 2015, and stamped “EXHIBIT B” included in the docket for Case No. 2013.0973C and subject to Conditions of Approval reviewed and approved by the Commission on April 2, 2015 under Motion No. XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit A of Motion No. XXXXXX, Case No. 2013.0973X (Large Project Authorization under Planning Code Section 309) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. Further, the project requires variances from dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Sections 145.1 and 155), in addition to a height exemption for the 120-foot height limit for the elevator penthouse (Planning Code Section 260) that requires administrative approval by the Zoning Administrator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on April 2, 2015 under Motion No. XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

## **SEVERABILITY**

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

## **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

6. **Mitigation Measures.** Mitigation measures described in the MMRP for the Market and Octavia Area Plan EIR and for 150 Van Ness Avenue (Case No. 2013.0973E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

*For information about compliance, contact Environmental Planning, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Additional Project Authorization.** The Conditions of Approval set forth in Exhibit A of Motion No. XXXXX, Case No. 2013.0973X (Large Project Authorization under Planning Code Section 309) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. Further, the project requires variances from dwelling unit exposure (Planning Code Section 140) and curb cut width (Planning Code Sections 145.1 and 155), in addition to a height exemption for the 120-foot height limit for the elevator penthouse (Planning Code Section 260) that requires administrative approval by the Zoning Administrator. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Prior Conditions of Approval – Relocation of Off-Street Parking Access.** Pursuant to Planning Code Section 155(r), and per Motion No. 18682 of August 2, 2012, Case No. 2012.0032EXV, the off-street parking access/curb cut on 100 Van Ness Avenue shall be re-located to 155 Hayes Street. The curb cut/Van Ness access entrance will be allowed to be temporarily maintained until the first of three events occurs: 1) the completion of planned construction at 155 Hayes Street, 2) the five year anniversary of the Project entitlement (August 2, 2017), or 3) the commencement of BRT operations on Van Ness Avenue.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING

9. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

10. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not

resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

11. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*

12. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

13. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

14. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<b>MITIGATION MEASURES FROM THE MARKET AND OCTVIA AREA PLAN EIR</b>				
<b>Project Mitigation Measure 1 – Archaeological Testing (Mitigation Measure C2 of the Market and Octavia PEIR)</b>				
<p>Based on a reasonable presumption that archaeological resources may be present on the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Planning Department archaeologist to obtain the names and contact information for the next three archaeological consultants on the QACL. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant’s work shall be conducted in accordance with this measure at the direction of the ERO. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Section 15064.5 (a)(c).</p>	<p>Project sponsor</p>	<p>Prior to issuance of grading or building permit</p>	<p>Project sponsor to retain archaeological consultant to undertake archaeological monitoring program consultation with ERO</p>	<p>Complete when project sponsor retains a qualified archaeological consultant</p>

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<p><u>Consultation with Descendant Communities.</u> On discovery of an archaeological site<sup>1</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative<sup>2</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archaeological field investigations of the site, and to consult with ERO regarding appropriate archaeological treatment of the site; of recovered data from the site; and if applicable, any interpretative treatment of the associated archaeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p>	<p>Project sponsor, archaeological consultant in consultation with any individual listed in the current Native American Contact List and Chinese Historical Society of America</p>	<p>In the event of a discovery of an archaeological site associated with the descendent Native Americans or Overseas Chinese</p>	<p>Archaeological consultant and ERO</p>	<p>Considered complete upon notification of appropriate organization and implementation of any further mitigation as advised</p>
<p><u>Archaeological Testing Program.</u> The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project; the testing method to be used; and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If, based on the archaeological testing program, the</p>	<p>Project sponsor, archaeological consultant at the direction of ERO</p>	<p>If ERO determination a significant archaeological resource is present and could be adversely affected by the proposed project</p>	<p>Project sponsor, archaeological consultant and ERO</p>	<p>Considered complete on findings by ERO</p>

<sup>1</sup> The term “archaeological site” is intended to minimally include any archaeological deposit, feature, burial, or evidence of burial.

<sup>2</sup> An “appropriate representative” of the descendant group is defined, in the case of Native Americans, as any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission; and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Planning Department archaeologist.

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<p>archaeological consultant finds that significant archaeological resources may be present, the ERO, in consultation with the archaeological consultant, shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. No archaeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archaeologist. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor, either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance, and that interpretive use of the resource is feasible.</p>				
<p><u>Archaeological Monitoring Program.</u> If the ERO, in consultation with the archaeological consultant, determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to the commencement of any project-related soils-disturbing activities. The ERO, in consultation with the archaeological consultant, shall determine which project activities shall be archaeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities</li> </ul>	<p>Project sponsor, archaeological consultant, archaeological monitor, contractor(s) at the direction of the ERO</p>	<p>ERO and archaeological consultant meet prior to commencement of soil-disturbing activity. Monitor throughout all soil-disturbing activities</p>	<p>Archaeological consultant and ERO</p>	<p>Considered complete on findings by ERO that AMP implemented</p>

<b>Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)</b>				
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<p>installation, foundation work, driving of piles (foundation, shoring, etc.), or site remediation shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context.</p> <ul style="list-style-type: none"> <li>• The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource.</li> <li>• The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits.</li> <li>• The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.</li> <li>• If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile-driving/construction activities and equipment until the deposit is evaluated. If, in the case of pile-driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile-driving activity may affect an archaeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made, in consultation with the ERO. The archaeological consultant</li> </ul>	<p>Archaeological consultant</p> <p>Archaeological consultant</p> <p>Archaeological consultant</p> <p>Archaeological consultant</p>	<p>Discovery of archaeological deposit</p>	<p>Archaeological consultant and ERO</p> <p>Archaeological consultant and ERO</p> <p>Archaeological consultant and ERO</p> <p>Archaeological consultant and ERO</p>	

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<p>shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.</p> <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p>				
<p><u>Archaeological Data Recovery Program.</u> The archaeological data recovery program shall be conducted in accordance with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. The ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>• <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> </ul>	Archaeological consultant at the direction of the ERO	If there is determination by the ERO that ADRP is required	Archaeological consultant and ERO	

<b>Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)</b>				
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<ul style="list-style-type: none"> <li>• <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>• <i>Discard and De-accession Policy.</i> Description of and rationale for field and post-field discard and de-accession policies.</li> <li>• <i>Interpretive Program.</i> Consideration of an onsite/offsite public interpretive program during the course of the archaeological data recovery program.</li> <li>• <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>• <i>Final Report.</i> Description of proposed report format and distribution of results.</li> <li>• <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul>				
<p><u>Human Remains and Associated or Unassociated Funerary Objects.</u> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco; and in the event of the Coroner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD</p>	Project sponsor, archaeological consultant in consultation with the San Francisco Coroner, NAHC, and MLD	In the event human remains and/or funerary objects are encountered	Archaeological consultant and ERO	

<b>Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<p>shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p>				
<p><u>Final Archaeological Resources Report.</u> The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert in the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy, and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor, archaeological consultant at the direction of the ERO</p>	<p>After completion of archaeological data recovery, inventorying, analysis and interpretation</p>	<p>Submit a draft FARR</p>	<p>Considered complete on submittal of FARR</p>

<b>Attachment A: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Report Responsibility</b>	<b>Status/Date Completed</b>
<b>Project Mitigation Measure 2 – Construction Air Quality (Mitigation Measure E2 of the Market and Octavia PEIR)</b>				
<p>A. Engine Requirements</p> <ol style="list-style-type: none"> <li>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</li> <li>2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.</li> <li>3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</li> <li>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</li> </ol>	Project sponsor/ contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Submit certification statement.	Project sponsor / contractor(s) and the ERO.

**Attachment A:  
 MITIGATION MONITORING AND REPORTING PROGRAM  
 (Includes Text for Adopted Mitigation Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed												
<p>B. Waivers.</p> <ol style="list-style-type: none"> <li>The Planning Department’s Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</li> <li>The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.</li> </ol> <p><b>Table – Off-Road Equipment Compliance Step-down Schedule</b></p> <table border="1" data-bbox="109 1177 800 1430"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> </tbody> </table> <p>How to use the table: If the ERO determines that the equipment</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*	<p>Project sponsor/ contractor(s).</p>	<p>Prior to construction activities requiring the use of off-road equipment.</p>	<p>Submit certification statement.</p>	<p>Project sponsor / contractor(s) and the ERO.</p>
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
2	Tier 2	ARB Level 1 VDECS														
3	Tier 2	Alternative Fuel*														

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<p>requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</p> <p>** Alternative fuels are not a VDECS.</p>				
<p>C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <p>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications.</p>	Project sponsor/contractor(s).	Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.	Prepare and submit a Plan.	Project sponsor/contractor(s) and the ERO.

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<p>The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p> <p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p>				
<p>D. Monitoring. After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>	Project sponsor/ contractor(s).	Quarterly.	Submit quarterly reports.	Project sponsor/ contractor(s) and the ERO.
<b>Project Mitigation Measure 3 – Construction Related Soils (Mitigation Measure G1 of the Market and Octavia PEIR).</b>				
<ul style="list-style-type: none"> <li>• Program- or project-level temporary construction-related impacts would be mitigated through the implementation of the following measures:</li> <li>• BMPs erosion control features shall be developed with the following objectives and basic strategy:</li> <li>• Protect disturbed areas through minimization and duration of exposure.</li> <li>• Control surface runoff and maintain low runoff velocities. Trap sediment on site.</li> <li>• Minimize length and steepness of slopes.</li> </ul>	Project sponsor	During construction	Project sponsor/Department of Building Inspection	On-site monitoring by Project Sponsor and Department of Building Inspection

**Attachment A:  
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## EXHIBIT D: COSTA HAWKINS AGREEMENT

Free Recording Requested Pursuant to  
Government Code Section 27383

When recorded, mail to:  
San Francisco Planning Department  
1650 Mission Street, Room 400  
San Francisco, California 94103  
Attn: Director

Lots 002 and 003 in Assessor's Block 0811

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### **AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND VAN NESS HAYES ASSOCIATES LLC, RELATIVE TO THE DEVELOPMENT KNOWN AS 150 VAN NESS AVENUE**

THIS AGREEMENT TO PROVIDE ON-SITE AFFORDABLE HOUSING UNITS (“Agreement”) dated for reference purposes only as of this \_\_\_ day of \_\_\_\_\_, 2015, is by and between the CITY AND COUNTY OF SAN FRANCISCO, a political subdivision of the State of California (the “City”), acting by and through its Planning Department, and VAN NESS HAYES ASSOCIATES LLC, a Delaware limited liability company (“Developer”) with respect to the project approved for 150 Van Ness Avenue (the “Project”). City and Developer are also sometimes referred to individually as a “Party” and together as the “Parties.”

#### **RECITALS**

This Agreement is made with reference to the following facts:

A. Code Authorization. Chapter 4.3 of the California Government Code directs public agencies to grant concessions and incentives to private developers for the production of housing for lower income households. The Costa-Hawkins Rental Housing Act (California Civil Code Sections 1954.50 et seq., hereafter “Costa-Hawkins Act”) imposes limitations on the establishment of the initial and all subsequent rental rates for a dwelling unit with a certificate of occupancy issued after February 1, 1995, with exceptions, including an exception for dwelling units constructed pursuant to a contract with a public entity in consideration for a direct financial contribution or any other form of assistance specified in Chapter 4.3 of the California Government Code (Section 1954.52(b)). Pursuant to Civil Code Section 1954.52(b), the City’s Board of Supervisors has enacted as part of the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq, procedures and requirements for entering into an agreement with a private developer to memorialize the concessions and incentives granted to the developer and to provide an exception to the Costa-Hawkins Act for the inclusionary units included in Developer’s project.

B. Property Subject to this Agreement. The property that is the subject of this Agreement consists of the real property in the City and County of San Francisco, California, at 150 Van Ness Avenue, Lots 001, 014, 015, 016, and 021 in Assessor’s Block 0814 and located along the southern frontage of Hayes Street between Van Ness Avenue and Polk Street

(hereinafter “Property”). The Property is more particularly described in Exhibit A attached hereto. The Property is owned in fee by Developer.

C. Development Proposal; Intent of the Parties. The Developer proposes to merge the adjacent parcels that comprise the Property, remove the existing surface parking lots and construct a new 13-story, 420-unit residential building on the Property. The dwelling units would be offered as rental units and the inclusionary affordable housing would be provided on-site. The Project would fulfill its inclusionary affordable housing requirement by providing 12%

of the dwelling units, or 50 below-market rate (BMR) units, on-site, assuming that 420 residential units are constructed.

On April 2, 2015, pursuant to Motion Nos. \_\_\_\_\_ and \_\_\_\_\_, the Planning Commission approved (i) Section 309 Review with Exceptions under Section 309 (“Section 309 Approval”) from Planning Code requirements related to off-street residential parking in excess of accessory amounts, rear yard configuration, and to the ground-level comfort wind current requirements; (ii) a conditional use authorization under Section 303 (“Conditional Use Authorization”) to exempt from gross floor area 45,097 square feet of floor area above the 6:1 base floor area ratio in the C-3-G district for the on-site Inclusionary Units pursuant to Section 124(f) and (iii) a conditional use authorization under Section 216(b)(i) to allow three ground floor hotel rooms. On April \_\_, 2015, the Zoning Administrator issued a Variance Decision approving an exception to the unit exposure requirements of Section 140 for certain units and an exception for the maximum dimension of the parking and loading opening and curb cut requirement of Sections 145.1 and 155(s), and a height exemption for an elevator shaft pursuant to Section 260(b)(1)(B).

The Section 309 Approval, the Conditional Use Authorizations, the Variance Decision and the height exemption are collectively referred to herein as the “Project Approvals”. The dwelling units that are the subject of this Agreement are the Project’s on-site inclusionary units representing twelve percent (12%) of the Project’s dwelling units, which assuming that 420 dwelling are constructed, would total 50 inclusionary units (the “Inclusionary Units”). The dwelling units in the Project that are not Inclusionary Units, representing eighty-eight percent (88%) of the Project’s dwelling units, which assuming that 420 units are constructed would total 370 units, are referred to herein as the “Market Rate Units”. This Agreement is not intended to impose restrictions on the Market Rate Units or any portions of the Project other than the Inclusionary Units. The Parties acknowledge that this Agreement is entered into in consideration of the respective burdens and benefits of the Parties contained in this Agreement and in reliance on their agreements, representations and warranties.

D. Inclusionary Affordable Housing Program. The Inclusionary Affordable Housing Program, San Francisco Planning Code Section 415 et seq. (the “Affordable Housing Program”) provides that developers of any housing project consisting of ten or more units to pay an Affordable Housing Fee, as defined therein. The Affordable Housing Program provides that developers may be eligible to meet the requirements of the program through the alternative

means of entering into an agreement with the City and County of San Francisco pursuant to Chapter 4.3 of the California Government Code for concessions and incentives, pursuant to which the developer covenants to provide affordable on-site units as an alternative to payment of the Affordable Housing Fee to satisfy the requirements of the Affordable Housing Program and in consideration of the City's concessions and incentives.

E. Developer's Election to Provide On-Site Units. Developer has elected to enter into this Agreement to provide the Inclusionary Units in lieu of payment of the Affordable Housing Fee in satisfaction of its obligation under the Affordable Housing Program and to provide for an exception to the rent restrictions of the Costa-Hawkins Act for the Inclusionary Units only.

F. Compliance with All Legal Requirements. It is the intent of the Parties that all acts referred to in this Agreement shall be accomplished in such a way as to fully comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq., "CEQA"), Chapter 4.3 of the California Government Code, the Costa-Hawkins Act, the San Francisco Planning Code, and all other applicable laws and regulations.

G. Project's Compliance with CEQA. Pursuant to CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Project was found exempt from further CEQA review under Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3, as noted in Planning Motion \_\_\_\_\_, based on its conformance with the Market and Octavia Area Plan and the environmental analysis contained in the Market and Octavia Neighborhood Plan Final Environmental Impact Report (Case No. 2003.0347E).

H. General Plan Findings. This Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable area or specific plan, and the Priority Policies enumerated in Planning Code Section 101.1, as set forth in Planning Commission Motions No. 18682.

## **AGREEMENT**

The Parties acknowledge the receipt and sufficiency of good and valuable consideration and agree as follows:

### **1. GENERAL PROVISIONS**

1.1 Incorporation of Recitals and Exhibits. The preamble paragraph, Recitals, and Exhibits, and all defined terms contained therein, are hereby incorporated into this Agreement as if set forth in full.

### **2. CITY'S DENSITY BONUS AND CONCESSIONS AND INCENTIVES FOR THE INCLUSIONARY UNITS.**

2.1 Exceptions, Concessions and Incentives. The Developer has received the following density bonus, concessions and incentives for the production of the Inclusionary Units on-site.

2.1.1 Project Approvals and Density Bonus. The Project Approvals included a density bonus in the form of a Conditional Use Authorization to permit up to an additional 45,097 square feet of floor area above the 6:1 base floor area ratio in the C-3-G district for the Inclusionary Units pursuant to Section 124(f). The Project Approvals also included a Conditional Use Authorization under Section 216(b)(i) to allow three ground floor hotel rooms and a Section 309 Approval to provide concessions and incentives to the Developer including (1) modification of the residential accessory off-street parking requirements (pursuant to Planning Code Section 151.1(e)); , (2) modification of rear yard configuration, and (3) modification of the comfort level wind speeds (pursuant to Planning Code Section 148). The Project Approvals also included a Variance to the unit exposure requirements of Section 140 for certain units units and an exception for the maximum dimension of the parking and loading opening and curb cut requirement of Sections 145.1 and 155(s), and a height exemption for an elevator shaft pursuant to Section 260(b)(1)(B).

2.1.2 Waiver of Affordable Housing Fee. City hereby determines that the Developer has satisfied the requirements of the Affordable Housing Program by covenanting to provide the Inclusionary Units on-site, as provided in Section 3.1, and accordingly hereby waives the obligation of the Developer to pay the Affordable Housing Fee. City would not be willing to enter into this Agreement and waive the Affordable Housing Fee without the understanding and agreement that Costa-Hawkins Act provisions set forth in California Civil Code section 1954.52(a) do not apply to the Inclusionary Units as a result of the exemption set forth in California Civil Code section 1954.52(b). Upon completion of the Project and identification of the Inclusionary Units, Developer agrees to record a notice of restriction against the Inclusionary Units in the form required by the Affordable Housing Program.

## 2.2 Costa-Hawkins Act Inapplicable to Inclusionary Units Only.

2.2.1 Inclusionary Units. The parties acknowledge that, under Section 1954.52(b) of the Costa-Hawkins Act, the Inclusionary Units are not subject to the Costa Hawkins Act. Through this Agreement, Developer hereby enters into an agreement with a public entity in consideration for forms of concessions and incentives specified in California Government Code Sections 65915 et seq. The concessions and incentives are comprised of, but not limited to, the concessions and incentives set forth in Section 2.1.

2.2.2 Market Rate Units. The Parties hereby agree and acknowledge that this Agreement does not alter in any manner the way that the Costa-Hawkins Act or any other law, including the City's Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code) apply to the Market Rate Units.

## 3. **COVENANTS OF DEVELOPER**

3.1 On-Site Inclusionary Affordable Units. In consideration of the concessions and incentives set forth in Section 2.1 and in accordance with the terms and conditions set forth in the Affordable Housing Program and the Project Approvals, upon Developer obtaining its first certificate of occupancy for the Project, Developer shall provide twelve percent (12%) of the dwelling units as on-site Inclusionary Units in lieu of payment of the Affordable Housing Fee. For example, based on the contemplated total of 420 units comprising the Project, a total of 50

Inclusionary Units would be required in the aggregate for the entire Project in lieu of payment of the Affordable Housing Fee.

3.2 Developer's Waiver of Rights Under the Costa-Hawkins Act Only as to the Inclusionary Units. The Parties acknowledge that under the Costa-Hawkins Act, the owner of newly constructed residential real property may establish the initial and all subsequent rental rates for dwelling units in the property without regard to the City's Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code). The Parties also understand and agree that the Costa-Hawkins Act does not and in no way shall limit or otherwise affect the restriction of rental charges for the Inclusionary Units because this Agreement falls within an express exception to the Costa-Hawkins Act as a contract with a public entity in consideration for a direct financial contribution or other forms of assistance specified in Chapter 4.3 (commencing with section 65915) of Division 1 of Title 7 of the California Government Code including but not limited to the density bonus, concessions and incentives specified in Section 2. Developer acknowledges that the density bonus and concessions and incentives result in identifiable and actual cost reductions to the Project. Should the Inclusionary Units be deemed subject to the Costa-Hawkins Act, as a material part of the consideration for entering into this Agreement, Developer, on behalf of itself and all its successors and assigns to this Agreement, hereby expressly waives, now and forever, any and all rights it may have under the Costa-Hawkins Act with respect only to the Inclusionary Units (but only the Inclusionary Units and not as to the Market Rate Units) consistent with Section 3.1 of this Agreement. Without limiting the foregoing, Developer, on behalf of itself and all successors and assigns to this Agreement, agrees not to bring any legal or other action against City seeking application of the Costa-Hawkins Act to the Inclusionary Units for so long as the Inclusionary Units are subject to the restriction on rental rates pursuant to the Affordable Housing Program. The Parties understand and agree that the City would not be willing to enter into this Agreement without the waivers and agreements set forth in this Section 3.2.

3.3 Developer's Waiver of Right to Seek Waiver of Affordable Housing Program. Developer specifically agrees to be bound by all of the provisions of the Affordable Housing Program applicable to on-site inclusionary units with respect to the Inclusionary Units. Developer covenants and agrees that it will not seek a waiver of the provisions of the Affordable Housing Program applicable to the Inclusionary Units.

#### **4. MUTUAL OBLIGATIONS**

4.1 Good Faith and Fair Dealing. The Parties shall cooperate with each other and act in good faith in complying with the provisions of this Agreement and implementing the Project Approvals.

4.2 Other Necessary Acts. Each Party shall execute and deliver to the other all further instruments and documents as may be reasonably necessary to carry out this Agreement, the Project Approvals, the Affordable Housing Program (as applied to the Inclusionary Units) and applicable law in order to provide and secure to each Party the full and complete enjoyment of its rights and privileges hereunder.

4.3 Effect of Future Changes to Affordable Housing Program. The City hereby acknowledges and agrees that, in the event that the City adopts changes to the Affordable Housing Program after the date this Agreement is executed by both Parties, nothing in this Agreement shall be construed to limit or prohibit any rights Developer may have to modify Project requirements with respect to the Inclusionary Units to the extent permitted by such changes to the Affordable Housing Program.

## **5. DEVELOPER REPRESENTATIONS, WARRANTIES AND COVENANTS.**

5.1 Interest of Developer. Developer represents that it is the legal and equitable fee owner of the Property, that it has the power and authority to bind all other persons with legal or equitable interest in the Inclusionary Units to the terms of this Agreement, and that all other persons holding legal or equitable interest in the Inclusionary Units are to be bound by this Agreement. Developer is a limited liability company, duly organized and validly existing and in good standing under the laws of the State of California. Developer has all requisite power and authority to own property and conduct business as presently conducted. Developer has made all filings and is in good standing in the State of California.

5.2 No Conflict With Other Agreements; No Further Approvals; No Suits. Developer warrants and represents that it is not a party to any other agreement that would conflict with the Developer's obligations under this Agreement. Neither Developer's articles of organization, bylaws, or operating agreement, as applicable, nor any other agreement or law in any way prohibits, limits or otherwise affects the right or power of Developer to enter into and perform all of the terms and covenants of this Agreement. No consent, authorization or approval of, or other action by, and no notice to or filing with, any governmental authority, regulatory body or any other person is required for the due execution, delivery and performance by Developer of this Agreement or any of the terms and covenants contained in this Agreement. To Developer's knowledge, there are no pending or threatened suits or proceedings or undischarged judgments affecting Developer or any of its members before any court, governmental agency, or arbitrator which might materially adversely affect Developer's business, operations, or assets or Developer's ability to perform under this Agreement.

5.3 No Inability to Perform; Valid Execution. Developer warrants and represents that it has no knowledge of any inability to perform its obligations under this Agreement. The execution and delivery of this Agreement and the agreements contemplated hereby by Developer have been duly and validly authorized by all necessary action. This Agreement will be a legal, valid and binding obligation of Developer, enforceable against Developer in accordance with its terms.

5.4 Conflict of Interest. Through its execution of this Agreement, the Developer acknowledges that it is familiar with the provisions of Section 15.103 of the City's Charter, Article III, Chapter 2 of the City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the California Government Code, and certifies that it does not know of any facts which constitute a violation of said provisions and agrees that it will immediately notify the City if it becomes aware of any such fact during the term of this Agreement.

5.5 Notification of Limitations on Contributions. Through execution of this Agreement, the Developer acknowledges that it is familiar with Section 1.126 of City's Campaign and Governmental Conduct Code, which prohibits any person who contracts with the City, whenever such transaction would require approval by a City elective officer or the board on which that City elective officer serves, from making any campaign contribution to the officer at any time from the commencement of negotiations for the contract until three (3) months after the date the contract is approved by the City elective officer or the board on which that City elective officer serves. San Francisco Ethics Commission Regulation 1.126-1 provides that negotiations are commenced when a prospective contractor first communicates with a City officer or employee about the possibility of obtaining a specific contract. This communication may occur in person, by telephone or in writing, and may be initiated by the prospective contractor or a City officer or employee. Negotiations are completed when a contract is finalized and signed by the City and the contractor. Negotiations are terminated when the City and/or the prospective contractor end the negotiation process before a final decision is made to award the contract.

5.6 Nondiscrimination. In the performance of this Agreement, Developer agrees not to discriminate on the basis of the fact or perception of a person's, race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes, against any City employee, employee of or applicant for employment with the Developer, or against any bidder or contractor for public works or improvements, or for a franchise, concession or lease of property, or for goods or services or supplies to be purchased by the Developer. A similar provision shall be included in all subordinate agreements let, awarded, negotiated or entered into by the Developer for the purpose of implementing this Agreement.

## **6. AMENDMENT; TERMINATION**

6.1 Amendment or Termination. Except as provided in Sections 6.2 (Automatic Termination) and 8.3 (Remedies for Default), this Agreement may only be amended or terminated with the mutual written consent of the Parties.

6.1.1 Amendment Exemptions. No amendment of a Project Approval shall require an amendment to this Agreement. Upon approval, any such matter shall be deemed to be incorporated automatically into the Project and this Agreement (subject to any conditions set forth in the amendment). Notwithstanding the foregoing, in the event of any direct conflict between the terms of this Agreement and any amendment to a Project Approval, then the terms of this Agreement shall prevail and any amendment to this Agreement shall be accomplished as set forth in Section 6.1 above.

6.2 Automatic Termination. This Agreement shall automatically terminate in the event that the Inclusionary Units are no longer subject to regulation as to the rental rates of the Inclusionary Units and/or the income level of households eligible to rent the Inclusionary Units under the Affordable Housing Program, or successor program.

## **7. TRANSFER OR ASSIGNMENT; RELEASE; RIGHTS OF MORTGAGEES; CONSTRUCTIVE NOTICE**

7.1 Agreement Runs With The Land. Developer may assign or transfer its duties and obligations under this Agreement to another entity, provided such entity is the legal and equitable fee owner of the Property (“Transferee”). As provided in Section 9.2, this Agreement runs with the land and any Transferee will be bound by all of the terms and conditions of this Agreement.

7.2 Rights of Developer. The provisions in this Section 7 shall not be deemed to prohibit or otherwise restrict Developer from (i) granting easements or licenses to facilitate development of the Property, (ii) encumbering the Property or any portion of the improvements thereon by any mortgage, deed of trust, or other device securing financing with respect to the Property or Project, (iii) granting a leasehold interest in all or any portion of the Property, or (iv) transferring all or a portion of the Property pursuant to a sale, transfer pursuant to foreclosure, conveyance in lieu of foreclosure, or other remedial action in connection with a mortgage. None of the terms, covenants, conditions, or restrictions of this Agreement or the other Project Approvals shall be deemed waived by City by reason of the rights given to the Developer pursuant to this Section 7.2. Furthermore, although the Developer initially intends to operate the Project on a rental basis, nothing in this Agreement shall prevent Developer from later selling all or part of the Project on a condominium basis, provided that such sale is permitted by, and complies with, all applicable City and State laws including, but not limited to that, with respect to any inclusionary units, those shall only be sold pursuant to the City Procedures for sale of inclusionary units under the Affordable Housing Program.

7.3 Developer’s Responsibility for Performance. If Developer transfers or assigns all or any portion of the Property or any interest therein to any other person or entity, Developer shall continue to be responsible for performing the obligations under this Agreement as to the transferred property interest until such time as there is delivered to the City a legally binding agreement pursuant to which the Transferee assumes and agrees to perform Developer’s obligations under this Agreement from and after the date of transfer of the Property (or an interest therein) to the Transferee (an “Assignment and Assumption Agreement”). The City is entitled to enforce each and every such obligation assumed by the Transferee directly against the Transferee as if the Transferee were an original signatory to this Agreement with respect to such obligation. Accordingly, in any action by the City against a Transferee to enforce an obligation assumed by the Transferee, the Transferee shall not assert any defense against the City’s enforcement of performance of such obligation that is attributable to Developer’s breach of any duty or obligation to the Transferee arising out of the transfer or assignment, the Assignment and Assumption Agreement, the purchase and sale agreement, or any other agreement or transaction between the Developer and the Transferee. The transferor Developer shall remain responsible for the performance of all of its obligations under the Agreement prior to the date of transfer, and shall remain liable to the City for any failure to perform such obligations prior to the date of the transfer.

7.4 Release Upon Transfer or Assignment. Upon the Developer’s transfer or assignment of all or a portion of the Property or any interest therein, including the Developer’s rights and interests under this Agreement, the Developer shall be released from any obligations required to be performed from and after the date of transfer under this Agreement with respect to

the portion of the Property so transferred; provided, however, that (i) the Developer is not then in default under this Agreement and (ii) the Transferee executes and delivers to the City the legally binding Assignment and Assumption Agreement. Following any transfer, in accordance with the terms of this Section 7, a default under this Agreement by the Transferee shall not constitute a default by the Developer under this Agreement and shall have no effect upon the Developer's rights under this Agreement as to the remaining portions of the Property owned by the Developer. Further, a default under this Agreement by the Developer as to any portion of the Property not transferred or a default under this agreement by the Developer prior to the date of transfer shall not constitute a default by the Transferee and shall not affect any of Transferee's rights under this Agreement.

#### 7.5 Rights of Mortgagees; Not Obligated to Construct; Right to Cure Default.

7.5.1 Notwithstanding anything to the contrary contained in this Agreement (including without limitation those provisions that are or are intended to be covenants running with the land), a mortgagee or beneficiary under a deed of trust, including any mortgagee or beneficiary who obtains title to the Property or any portion thereof as a result of foreclosure proceedings or conveyance or other action in lieu thereof, or other remedial action, ("Mortgagee") shall not be obligated under this Agreement to construct or complete the Inclusionary Units required by this Agreement or to guarantee their construction or completion solely because the Mortgagee holds a mortgage or other interest in the Property or this Agreement. The foregoing provisions shall not be applicable to any other party who, after such foreclosure, conveyance, or other action in lieu thereof, or other remedial action, obtains title to the Property or a portion thereof from or through the Mortgagee or any other purchaser at a foreclosure sale other than the Mortgagee itself. A breach of any obligation secured by any mortgage or other lien against the mortgaged interest or a foreclosure under any mortgage or other lien shall not by itself defeat, diminish, render invalid or unenforceable, or otherwise impair the obligations or rights of the Developer under this Agreement.

7.5.2 Subject to the provisions of the first sentence of Section 7.5.1, any person, including a Mortgagee, who acquires title to all or any portion of the mortgaged property by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise shall succeed to all of the rights and obligations of the Developer under this Agreement and shall take title subject to all of the terms and conditions of this Agreement. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote any portion of the Property to any uses, or to construct any improvements, other than the uses and improvements provided for or authorized by the Project Approvals and this Agreement.

7.5.3 If City receives a written notice from a Mortgagee or from Developer requesting a copy of any Notice of Default delivered to Developer and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any Notice of Default delivered to Developer under this Agreement. In accordance with Section 2924 of the California Civil Code, City hereby requests that a copy of any notice of default and a copy of any notice of sale under any mortgage or deed of trust be mailed to City at the address shown on the first page of this Agreement for recording, provided that no Mortgagee or trustee under a deed of trust shall incur any liability to the City for any failure to give any such notice of default or notice of sale except to the extent the City records a request for notice of

default and notice of sale in compliance with Section 2924b of the California Civil Code (a “Request for Special Notice”) with respect to a specific mortgage or deed of trust and the Mortgagee or trustee fails to give any notice required under Section 2924b of the California Civil Code as a result of the recordation of a Request for Special Notice.

7.5.4 A Mortgagee shall have the right, at its option, to cure any default or breach by the Developer under this Agreement within the same time period as Developer has to remedy or cause to be remedied any default or breach, plus an additional period of (i) thirty (30) calendar days to cure a default or breach by the Developer to pay any sum of money required to be paid hereunder and (ii) ninety (90) days to cure or commence to cure a non-monetary default or breach and thereafter to pursue such cure diligently to completion; provided that if the Mortgagee cannot cure a non-monetary default or breach without acquiring title to the Property, then so long as Mortgagee is diligently pursuing foreclosure of its mortgage or deed of trust, Mortgagee shall have until ninety (90) days after completion of such foreclosure to cure such non-monetary default or breach. Mortgagee may add the cost of such cure to the indebtedness or other obligation evidenced by its mortgage, provided that if the breach or default is with respect to the construction of the improvements on the Property, nothing contained in this Section or elsewhere in this Agreement shall be deemed to permit or authorize such Mortgagee, either before or after foreclosure or action in lieu thereof or other remedial measure, to undertake or continue the construction or completion of the improvements (beyond the extent necessary to conserve or protect improvements or construction already made) without first having expressly assumed the obligation to the City, by written agreement reasonably satisfactory to the City, to complete in the manner provided in this Agreement the improvements on the Property or the part thereof to which the lien or title of such Mortgagee relates. Notwithstanding a Mortgagee’s agreement to assume the obligation to complete in the manner provided in this Agreement the improvements on the Property or the part thereof acquired by such Mortgagee, the Mortgagee shall have the right to abandon completion of the improvement at any time thereafter.

7.5.5 If at any time there is more than one mortgage constituting a lien on any portion of the Property, the lien of the Mortgagee prior in lien to all others on that portion of the mortgaged property shall be vested with the rights under this Section 7.5 to the exclusion of the holder of any junior mortgage; provided that if the holder of the senior mortgage notifies the City that it elects not to exercise the rights sets forth in this Section 7.5, then each holder of a mortgage junior in lien in the order of priority of their respective liens shall have the right to exercise those rights to the exclusion of junior lien holders. Neither any failure by the senior Mortgagee to exercise its rights under this Agreement nor any delay in the response of a Mortgagee to any notice by the City shall extend Developer’s or any Mortgagee’s rights under this Section 7.5. For purposes of this Section 7.5, in the absence of an order of a court of competent jurisdiction that is served on the City, a then current title report of a title company licensed to do business in the State of California and having an office in the City setting forth the order of priority of lien of the mortgages shall be reasonably relied upon by the City as evidence of priority.

7.6 Constructive Notice. Every person or entity who now or hereafter owns or acquires any right, title or interest in or to any portion of the Project or the Property is and shall be constructively deemed to have consented and agreed to every provision contained herein,

whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Project or the Property.

## **8. ENFORCEMENT OF AGREEMENT; REMEDIES FOR DEFAULT; DISPUTE RESOLUTION**

8.1 Enforcement. The only parties to this Agreement are the City and the Developer. This Agreement is not intended, and shall not be construed, to benefit or be enforceable by any other person or entity whatsoever.

8.2 Default. For purposes of this Agreement, the following shall constitute a default under this Agreement: the failure to perform or fulfill any material term, provision, obligation, or covenant hereunder and the continuation of such failure for a period of thirty (30) calendar days following a written notice of default and demand for compliance; provided, however, if a cure cannot reasonably be completed within thirty (30) days, then it shall not be considered a default if a cure is commenced within said 30-day period and diligently prosecuted to completion thereafter, but in no event later than one hundred twenty (120) days.

8.3 Remedies for Default. In the event of an uncured default under this Agreement, the remedies available to a Party shall include specific performance of the Agreement in addition to any other remedy available at law or in equity. In addition, the non-defaulting Party may terminate this Agreement subject to the provisions of this Section 8 by sending a Notice of Intent to Terminate to the other Party setting forth the basis for the termination. The Agreement will be considered terminated effective upon receipt of a Notice of Termination. The Party receiving the Notice of Termination may take legal action available at law or in equity if it believes the other Party's decision to terminate was not legally supportable.

8.4 No Waiver. Failure or delay in giving notice of default shall not constitute a waiver of default, nor shall it change the time of default. Except as otherwise expressly provided in this Agreement, any failure or delay by a Party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies; nor shall it deprive any such Party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any such rights or remedies.

## **9. MISCELLANEOUS PROVISIONS**

9.1 Entire Agreement. This Agreement, including the preamble paragraph, Recitals and Exhibits, constitute the entire understanding and agreement between the Parties with respect to the subject matter contained herein.

9.2 Binding Covenants; Run With the Land. From and after recordation of this Agreement, all of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the Parties, and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, and all persons or entities acquiring the Property, any lot, parcel or any portion thereof, or any interest therein, whether by sale, operation of law, or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns. Regardless of whether the procedures in Section 7 are followed, all provisions of this Agreement

shall be enforceable during the term hereof as equitable servitudes and constitute covenants and benefits running with the land pursuant to applicable law, including but not limited to California Civil Code Section 1468.

9.3 Applicable Law and Venue. This Agreement has been executed and delivered in and shall be interpreted, construed, and enforced in accordance with the laws of the State of California. All rights and obligations of the Parties under this Agreement are to be performed in the City and County of San Francisco, and such City and County shall be the venue for any legal action or proceeding that may be brought, or arise out of, in connection with or by reason of this Agreement.

9.4 Construction of Agreement. The Parties have mutually negotiated the terms and conditions of this Agreement and its terms and provisions have been reviewed and revised by legal counsel for both City and Developer. Accordingly, no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement. Language in this Agreement shall be construed as a whole and in accordance with its true meaning. The captions of the paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction. Each reference in this Agreement to this Agreement or any of the Project Approvals shall be deemed to refer to the Agreement or the Project Approval as it may be amended from time to time pursuant to the provisions of the Agreement, whether or not the particular reference refers to such possible amendment.

9.5 Project Is a Private Undertaking; No Joint Venture or Partnership.

9.5.1 The development proposed to be undertaken by Developer on the Property is a private development. The City has no interest in, responsibility for, or duty to third persons concerning any of said improvements. The Developer shall exercise full dominion and control over the Property, subject only to the limitations and obligations of the Developer contained in this Agreement or in the Project Approvals.

9.5.2 Nothing contained in this Agreement, or in any document executed in connection with this Agreement, shall be construed as creating a joint venture or partnership between the City and the Developer. Neither Party is acting as the agent of the other Party in any respect hereunder. The Developer is not a state or governmental actor with respect to any activity conducted by the Developer hereunder.

9.6 Signature in Counterparts. This Agreement may be executed in duplicate counterpart originals, each of which is deemed to be an original, and all of which when taken together shall constitute one and the same instrument.

9.7 Time of the Essence. Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties under this Agreement.

9.8 Notices. Any notice or communication required or authorized by this Agreement shall be in writing and may be delivered personally or by registered mail, return receipt requested. Notice, whether given by personal delivery or registered mail, shall be deemed to have been given and received upon the actual receipt by any of the addressees designated below

as the person to whom notices are to be sent. Either Party to this Agreement may at any time, upon written notice to the other Party, designate any other person or address in substitution of the person and address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

**To City:**

John Rahaim  
Director of Planning  
San Francisco Planning Department  
1650 Mission Street  
San Francisco, California 94102

with a copy to:

Dennis J. Herrera, Esq.  
City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Attn: Evan A. Gross, Dep. City Attorney

**To Developer:**

Van Ness Hayes Associates LLC  
c/o Emerald Fund, Inc.  
Attn: Marc Babsin  
235 Montgomery Street, 27<sup>th</sup> Floor  
San Francisco, CA 94104

and a copy to:

Steven L. Vettel  
Farella Braun + Martel LLP  
235 Montgomery Street  
San Francisco, CA 94104

9.9 Severability. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect unless enforcement of the remaining portions of the Agreement would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

9.10 MacBride Principles. The City urges companies doing business in Northern Ireland to move toward resolving employment inequities and encourages them to abide by the MacBride Principles as expressed in San Francisco Administrative Code Section 12F.1 et seq.

The City also urges San Francisco companies to do business with corporations that abide by the MacBride Principles. Developer acknowledges that it has read and understands the above statement of the City concerning doing business in Northern Ireland.

9.11 Tropical Hardwood and Virgin Redwood. The City urges companies not to import, purchase, obtain or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood, or virgin redwood wood product.

9.12 Sunshine. The Developer understands and agrees that under the City's Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the State Public Records Law (Gov't Code Section 6250 et seq.), this Agreement and any and all records, information, and materials submitted to the City hereunder are public records subject to public disclosure.

9.13 Effective Date. This Agreement will become effective on the date that the last Party duly executes and delivers this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

**CITY**

CITY AND COUNTY OF SAN FRANCISCO,  
a municipal corporation

Approved as to form:  
Dennis J. Herrera, City Attorney

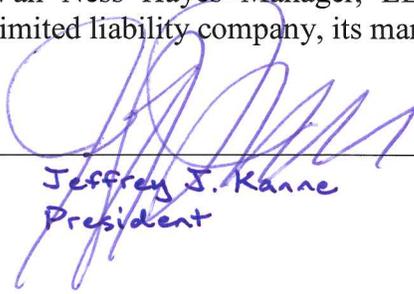
By: \_\_\_\_\_  
John Rahaim  
Director of Planning

By:  \_\_\_\_\_  
Evan A. Gross  
Deputy City Attorney

**DEVELOPER**

VAN NESS HAYES ASSOCIATES, LLC  
a Delaware limited liability company

By: Van Ness Hayes Manager, LLC, a Delaware limited liability company, its managing member

  
\_\_\_\_\_  
Jeffrey J. Kanne  
President

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

(Notary Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ~~California~~ City of Washington

County of District of Columbia

On February 27, 2015 before me, Owen M. Davis, Notary Public, personally appeared Jeffrey J. Kanne, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

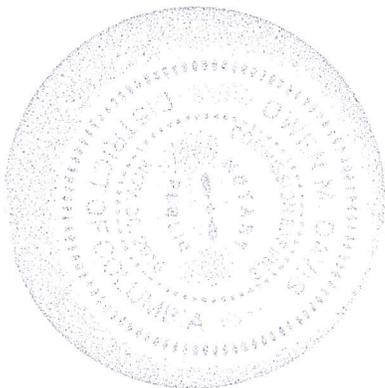
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Owen M. Davis  
NOTARY PUBLIC  
District of Columbia  
My Commission Expires 11/30/2016

*Owen M. Davis*  
Signature of Notary Public

(Notary Seal)



District of Columbia: SS  
Subscribed and Sworn to before me  
this 27th day of February, 2015.

Owen M. Davis  
Notary Public, D.C.  
My Commission Expires 11/30/2016

**EXHIBIT A**

**Legal Description of Property**

LEGAL DESCRIPTION

ALL THAT REAL PROPERTY SITUATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

TRACT A:

PARCEL ONE:

BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY LINE OF VAN NESS AVENUE AND THE SOUTHERLY LINE OF HAYES STREET; AND RUNNING THENCE SOUTHERLY ALONG SAID LINE OF VAN NESS AVENUE, 120 FEET; THENCE AT A RIGHT ANGLE EASTERLY 100 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE SOUTHERLY LINE OF HAYES STREET; AND THENCE WESTERLY ALONG SAID LINE OF HAYES STREET TO THE POINT OF BEGINNING.

APN: LOT 014, BLOCK 0814

PARCEL TWO:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF HAYES STREET, DISTANT THEREON 100 FEET EASTERLY FROM THE SOUTHEASTERLY CORNER OF HAYES STREET AND VAN NESS AVENUE; AND RUNNING THENCE EASTERLY ALONG SAID LINE OF HAYES STREET, 136 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 155 FEET; THENCE AT A RIGHT ANGLE WESTERLY 136 FEET; AND THENCE AT A RIGHT ANGLE NORTHERLY 155 FEET TO THE POINT OF BEGINNING.

BEING PART OF WESTERN ADDITION BLOCK NO. 69.

APN: LOT 15, BLOCK 0814

TRACT B:

PARCEL ONE:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF HAYES STREET, DISTANT THEREON 100 FEET WESTERLY FROM THE WESTERLY LINE OF POLK STREET; RUNNING THENCE WESTERLY ALONG THE SAID LINE OF HAYES STREET 48 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 137 FEET 6 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 48 FEET; AND THENCE AT RIGHT ANGLE NORTHERLY 137 FEET 6 INCHES TO THE SOUTHERLY LINE OF HAYES STREET AND THE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 69.

APN: LOT 016, BLOCK 0814 AND A PORTION OF APN: LOT 021, BLOCK 0814

LEGAL DESCRIPTION (CONTINUED)

PARCEL TWO:

BEGINNING AT A POINT ON THE WESTERLY LINE OF POLK STREET, DISTANT THEREON 60 FEET SOUTHERLY FROM THE SOUTHERLY LINE OF HAYES STREET, THENCE AT A RIGHT ANGLE WESTERLY 86 FEET 6 INCHES TO THE TRUE POINT OF BEGINNING; RUNNING THENCE AT A RIGHT ANGLE SOUTHERLY

60 FEET; THENCE AT A RIGHT ANGLE WESTERLY 13 FEET 6 INCHES; THENCE AT RIGHT ANGLE NORTHERLY 60 FEET; THENCE AT A RIGHT ANGLE EASTERLY 13 FEET 6 INCHES TO THE TRUE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 69.

APN: LOT 021, BLOCK 0814 (PORTION)

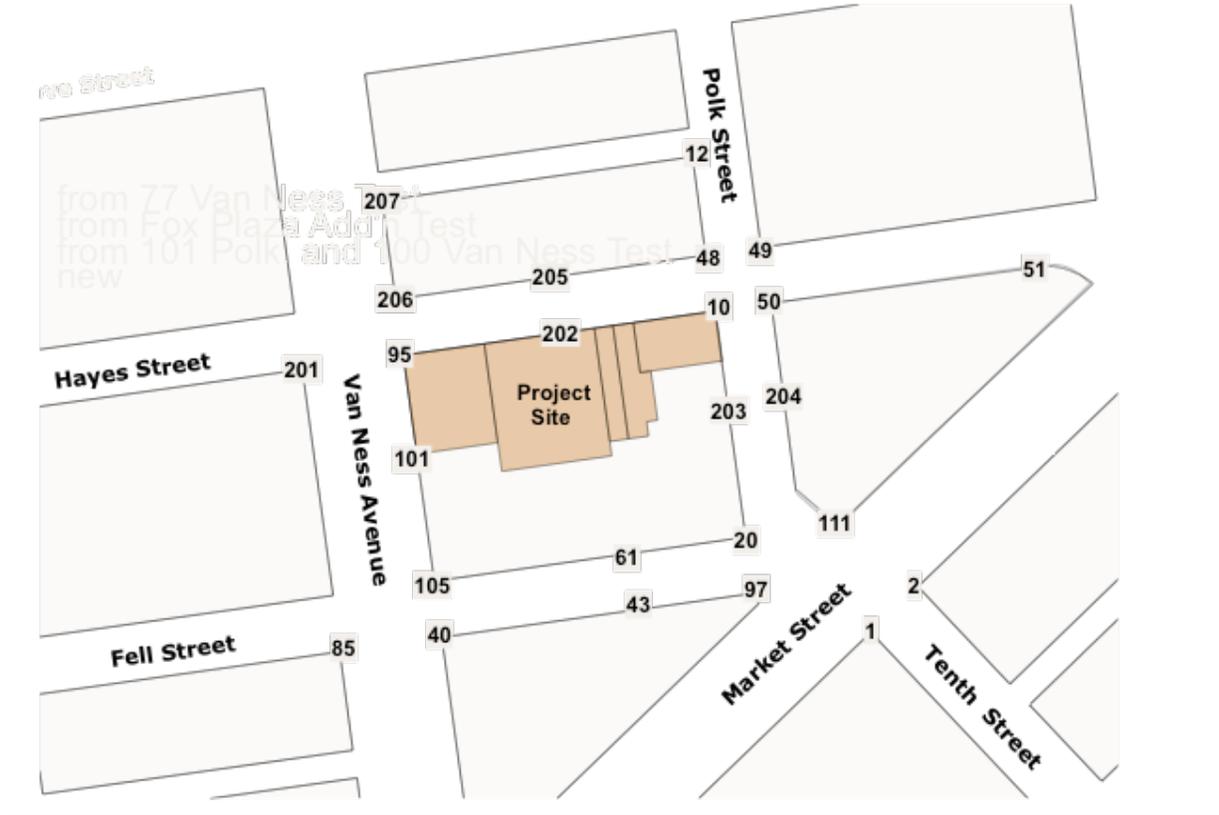
PARCEL THREE:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF HAYES STREET WITH THE WESTERLY LINE OF POLK STREET; RUNNING THENCE SOUTHERLY ALONG THE WESTERLY LINE OF POLK STREET 60 FEET; THENCE AT A RIGHT ANGLE WESTERLY 100 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 60 FEET TO THE SOUTHERLY LINE OF HAYES STREET; AND THENCE AT A RIGHT ANGLE EASTERLY ALONG THE SOUTHERLY LINE OF HAYES STREET 100 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 69.

APN: LOT 001, BLOCK 0814

# EXHIBIT E: WIND TESTING LOCATIONS



Source: ESA

150 Van Ness Avenue / 140226

↑ North

No Scale

**Figure 1**  
**Wind Test Points - Location Map**

EXHIBIT F: ELEVATOR PENTHOUSE - CONSULTANT LETTER



STEVEN L. VETTEL  
svettel@fbm.com  
D 415.954.4902

February 12, 2015

Scott F. Sanchez  
Zoning Administrator  
Planning Department  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2414

Re: 150 Van Ness Avenue  
Case No. 2013.0973X  
Section 260(b)(1)(B) request for elevator penthouse height exemption

Dear Mr. Sanchez:

I am writing on behalf of Van Ness Hayes Associates and its local development partner, Emerald Fund, Inc., regarding the height of the elevator penthouse for the proposed 150 Van Ness project, a 420-unit residential project located along Hayes Street for the block between Polk Street and Van Ness Avenue. The Planning Commission is scheduled to hear the Section 309 and conditional use case on March 12, 2015, and you are hearing a Section 140 unit exposure variance request at the same time.

The 150 Van Ness project is within a 120-X height and bulk district. The project is 120 feet in height, and part of the required project open space is being provided as a roof deck. To provide handicap accessibility to the roof deck, two of the project elevators will extend to that level. Consequently, the elevator shaft penthouse will be above the roof deck level, and extends 25 feet above the deck to a height of 145 feet. The elevator penthouse is set back considerably from all edges of the roof to minimize its visibility from the street.

This letter is to request that you approve an exemption from the 120-foot height limit the elevator shaft, pursuant to your authority under Planning Code Section 260(b)(1)(B):

SEC. 260(b)(1)(B) Elevator, stair and mechanical penthouses, fire towers, skylights and dormer windows. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet. However, *for elevator penthouses, the exemption shall be limited to the top 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the building. . .*

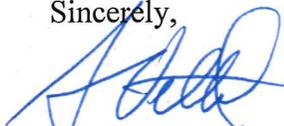
*The Zoning Administrator may, after conducting a public hearing, grant a further height exemption for an elevator penthouse for a building with a height limit of more*

than 65 feet but only *to the extent that the Zoning Administrator determines that such an exemption is required to meet state or federal laws or regulations. . . .*

Enclosed is a letter from our elevator consultant, Edgett Williams Consulting Group, stating that the proposed overrun using a Machine-Room-Less (MRL) elevator technology is the “shortest total vertical overrun for traction elevators available.” Edgett Williams Consulting Group also confirms that: “The total vertical overruns employed on this project are derived by the dimensional requirements of each of the major elevator bidders, based on their engineering calculations in order to meet the requirements of the California State Elevator Code CCR Title 8, itself referencing the National Elevator Code A17.1.” Our architects have also confirmed that a non-MRL elevator would have meant a full floor on top of the override, somewhere in the range of 10 feet over the proposed 145-foot elevation. Accordingly, an exemption for this elevator shaft to extend 25 feet over the 120-foot height limit is warranted because the height exemption is required to meet state or federal laws or regulations, as specified in Section 260(b)(1)(B).

Also enclosed are relevant California State Elevator Code provisions and drawings showing the required dimensions for this type of elevator shaft.

Sincerely,



Steven L. Vettel

cc: Kanishka Burns  
Marc Babsin

12 February 2015

Mr. Tom Shiozaki  
SCB Architects  
San Francisco, CA

RE: 150 Van Ness Residential

Dear Tom:

The elevators on the 150 Van Ness Residential project employ Machine-Room-Less (MRL) technology, wherein the machines for the elevators are located within the hoistway rather than in a machine room located above the hoistway. In this way they reflect the shortest total vertical overrun for traction elevators available, making use of technology designed specifically to address tall elevator penthouses on commercial buildings. The total vertical overruns employed on this project are derived by the dimensional requirements of each of the major elevator bidders, based on their engineering calculations in order to meet the requirements of the California State Elevator Code CCR Title 8, itself referencing the National Elevator Code A17.1.

Regards,  
Thom Chiaramonte

A handwritten signature in blue ink, appearing to read 'T. Chiaramonte', with a horizontal line extending to the right.

Edgett Williams Consulting Group, Inc.  
102 East Blithedale Ave Ste 1  
Mill Valley, CA 94941

**§ 3141.1. Maintenance, Repair, and Replacement.**

Maintenance, repairs, and replacements of conveyances shall comply with ASME A17.1-2004, section 8.6.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

**HISTORY**

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

**§ 3141.2. Alterations.**

(a) Alterations made to conveyances shall comply with ASME A17.1-2004, section 8.7.

(b) When alterations are made pursuant to ASME A17.1-2004, section 8.7, conveyances shall comply with ASME A17.1-2004, section 8.4.

(1) When alterations are made pursuant to ASME A17.1-2004, sections 8.7.2.27.4, 8.7.2.27.5, or 8.7.2.27.6, conveyances shall comply with ASME A17.1-2004, section 8.4.10.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

**HISTORY**

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

**§ 3141.3. Static Controls.**

(a) The installation of static controls shall comply with the requirements of ASME A17.1-2004 applicable to the conveyance involved.

(b) The Certified Qualified Conveyance Company (CQCC) installing static controls shall provide the Division with verification that the control complies with the requirements of ASME A17.1-2004. This information shall be in the form of:

(1) Electrical schematic diagrams or block diagrams of the control and safety circuits; and

(2) A written check-off procedure and demonstration of safety and speed control circuits at the time of the initial inspection.

(c) The results of the Electromagnetic Interference (EMI) testing required by ASME A17.1-2004 shall be submitted to the Division for review. The test shall include any wireless communication system used.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

**HISTORY**

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

**§ 3141.4. Acceptance Inspections and Tests.**

(a) Acceptance inspections and tests shall comply with the parts of ASME A17.1-2004, section 8.10, that are applicable to the type of conveyance installed or altered.

(b) Private residential conveyances installed, or that have undergone major alterations, located in a multi-unit residential building serving no more than two dwelling units and not accessible to the public, shall be inspected for safety and compliance with applicable provisions in ASME A17.1-2004, sections 5.3 and 5.4, in addition to the acceptance inspections and tests specified in section 3141.4(a).

NOTE: Authority cited: Sections 142.3, 7317 and 7323, Labor Code. Reference: Sections 142.3, 7317 and 7323, Labor Code.

**HISTORY**

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

**§ 3141.5. Periodic Inspections.**

Periodic inspections shall comply with ASME A17.1-2004, section 8.11, except section 8.11.1.1, applicable to the type of conveyance inspected.

EXCEPTION: Conveyances addressed in section 3141.4(b) are not subject to periodic inspections.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

**HISTORY**

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

**§ 3141.6. Periodic Tests.**

(a) Periodic testing shall comply with the parts of ASME A17.1-2004, section 8.11, that are applicable for the type of conveyance involved with the following frequencies:

(1) Category One Tests shall be completed once every 12 months;

(2) Category Three Tests shall be completed once every 36 months; and

(3) Category Five Tests shall be completed once every 60 months.

(b) Whenever a Category One Test is performed, the test procedure shall include earthquake protective devices in addition to the items specified by ASME A17.1-2004, section 8.11.

(c) Test tags per ASME A17.1-2004, section 8.11.1.6, are required. Tags shall be installed in a machinery space when machine rooms are not available.

(d) Periodic tests shall be conducted by a Certified Competent Conveyance Mechanic (CCCM) employed by a Certified Qualified Conveyance Company (CQCC).

(e) Periodic tests shall be witnessed, as required by ASME A17.1-2004, section 8.11.1.1.2, by a Certified Competent Conveyance Inspector (CCCI) or by a Division CCCI. Periodic tests witnessed by a CCCI shall be reported to the Division by the CCCI on a form provided by the Division, or equivalent, within 21 days of the test. The information required to be reported shall include:

(1) The name of the CCCI witnessing the test;

(2) Type of test performed as contained in ASME A17.1-2004, section 8.11;

(3) Name of the CQCC and CCCM who performed the test;

(4) The date of the test; and

(5) Results of the test.

(f) All statements on the form shall be made under penalty of perjury.

(g) If an elevator fails a periodic test, it shall be removed from service until a satisfactory test result is achieved.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

**HISTORY**

1. New section filed 4-1-2008; operative 5-1-2008 (Register 2008, No. 14).

**§ 3141.7. General Requirements.**

(a) Conveyances shall comply with the following general requirements:

(1) Hoistway door unlocking devices described in ASME A17.1-2004, section 2.12.6, are prohibited on all conveyances;

(2) Emergency doors in blind hoistways as described in ASME A17.1-2004, section 2.11.1.2, and access panels as described in ASME A17.1-2004, section 2.11.1.4, are prohibited;

(3) All electrical equipment and wiring shall comply with CCR, Title 24, Part 3, California Electrical Code in effect at the time of installation;

(A) The light switch shall be located inside the machine room on the strike side of the machine room door;

(B) The light switch shall be located adjacent to the elevator pit access door within 18 inches to 36 inches above the access landing when access to the elevator pit is through the lowest landing door;

(C) Fire detecting systems for hoistways and the necessary wiring may be installed in hoistways, provided that the system is arranged to be serviced and repaired from outside the hoistway;

(4) The dimension specified as 4 inches by ASME A17.1-2004, section 2.1.6.2, shall be 2 inches. The maximum permissible distance for freight elevators that are not equipped with horizontal swinging doors and that are not accessible to the general public is 6 inches instead of 6.5 inches as specified by ASME A17.1-2004, section 2.14.4.5.1(d);

(5) Door locking devices, oil buffers, car and counterweight safety devices, speed governors, and plunger engaging safety devices (plunger gripper) shall be approved by the Division based on the criteria contained in ASME A17.1-2004, sections 2.12, 2.17, 2.18, 2.22.4, and 3.17.3; and Group II, sections 3105(b), 3106(b), 3108(f), and 3110(a);

(6) An audible signaling device complying with ASME A17.1–2004, section 2.27.1.2, shall be provided on all conveyances regardless of the existence of an emergency stop switch;

(7) The car shall be capable of moving only one floor to re-establish absolute car position upon resumption of power (normal, emergency, or standby), instead of the unspecified number of floors allowed by ASME A17.1–2004, section 2.27.3.4.

(8) Counterweight guards addressed in ASME A17.1–2004, section 2.3.2.2(e), if perforated, shall reject a 1/2 inch ball;

(9) The speed governor and safety marking plates shall contain the manufacturer's model number;

(10) A reduced diameter governor rope of equivalent construction and material to that required by ASME A17.1–2004 is permissible if the factor of safety as related to the strength necessary to activate the safety is 5 or greater;

(11) Scissor type collapsible gates are prohibited;

(12) The guarding of counterweights in a multiple-elevator hoistway shall comply with Group II, section 3013(c)(1);

(13) Water removal systems used to address the accumulation of water in pits shall comply with Group III, section 3120.6(c) and section 3120.6(d);

(14) Elevators in jails and penal institutions are exempt from the requirements related to the installation of fire fighters' emergency operation where the recall of elevators will interfere with security;

(15) Guarding of exposed equipment shall comply with Group II, section 3014;

(16) Partitions not less than 6 feet (1.83 m) high from the pit floor shall be provided between the pits of adjacent hoistways;

(A) If openings are provided in the partition, they shall reject a 2-inch ball;

(B) The partitions may be omitted if the clearance between the underside of the car sling when resting on a fully compressed buffer and the bottom of the pit is not less than 7 ft. (2.13 m);

(17) Looped pull straps are prohibited; and

(18) Access switches described in ASME A17.1–2004, section 2.12.7, are required regardless of the rated speed and shall be installed in the hoistway entrance frame or within 12 inches of the entrance frame and not less than 36 inches (914 mm.) nor more than 78 inches (1.98 m) above floor level.

(b) Medical Emergency Service.

Elevators utilized to provide medical emergency service shall comply with Group II, section 3041(e).

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

#### HISTORY

1. New section filed 4–1–2008; operative 5–1–2008 (Register 2008, No. 14).

### § 3141.8. Electric Conveyances.

Electrical conveyances shall comply with the following:

(a) A means of access to the governor from outside the hoistway as required by ASME A17.1–2004, section 2.1.3.1.2(b)(1), is not required provided that:

(1) The governor can be inspected and serviced from the top of the car, and the governor can be tripped for testing from outside the hoistway;

(2) The governor can be reset automatically when the car is moved in the up direction or the governor can be reset from outside the hoistway;

(3) There is a mechanical means to secure the car during governor or governor rope replacement or removal, and signs requiring that the car be secured before removal of the governor rope are clearly visible and located in the vicinity of the governor. Instructions in the use of this means shall be available on site for use by a CCCM;

(4) It is not possible to reset the governor switch from inside the hoistway;

(5) Additional permanent lighting of not less than 5 footcandles and a switch for the lighting shall be provided in the governor area; and

(6) Written procedures for testing, servicing, maintaining, and inspecting the governor shall be developed and made available to the CQCC providing the service on the elevator and upon request to the Division.

(b) A hoistway is not required to have a floor above it per ASME A17.1–2004, section 2.1.3.1.1, if there is no machine room or other room above the hoistway that requires entry to perform functions such as maintenance, inspections, estimates by consultants, etc.

(c) A stop switch complying with section 2.26.2.5(a) through (c) of ASME A17.1–2004 shall be placed at a readily accessible location adjacent to the elevator driving machine if the driving machine is located in the hoistway.

(d) A car top emergency exit shall not be permitted on an elevator installed in a partially enclosed hoistway.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

#### HISTORY

1. New section filed 4–1–2008; operative 5–1–2008 (Register 2008, No. 14).

### § 3141.9. Limited-Use/Limited-Application Conveyances.

Limited-use/limited-application conveyances shall comply with ASME A17.1–2004, section 5.2.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

#### HISTORY

1. New section filed 4–1–2008; operative 5–1–2008 (Register 2008, No. 14).

### § 3141.10. Conveyances Used for Construction.

(a) Conveyances used for construction covered in ASME A17.1–2004, section 5.10, shall comply with the following:

(1) A trained and authorized person shall be stationed at, and operate the controls in, the elevator car at all times while the elevator is accessible and available for use. Training shall include at least conveyance operation and emergency procedures such as entrapment, elevator fire, earthquake conditions, or other emergency procedures associated with conveyance operations.

(2) There shall be an effective means of two-way voice communication between the operator and a second person at a different location on the jobsite available at all times while the elevator is staffed by an operator.

(3) There shall be an effective means of two-way voice communication (wired or wireless) between the conveyance operator and all hall landings. A separate communication system shall be provided at each landing and be operable at all times while the elevator is in use, i.e., an annunciator next to the operator's station in the car, which can be activated from the landings.

(4) An emergency plan and procedure to include items such as entrapment, elevator fire, earthquake conditions, or other emergency procedures associated with conveyance operations shall be developed and made available to the Division during any inspection.

(5) When permanent doors are installed, approved interlocks shall be provided.

(6) A durable sign with lettering not less than 1/2 inch on a contrasting background shall be conspicuously posted inside the elevator car indicating that:

(A) The conveyance is for construction use only.

(B) The conveyance shall be operated only by an authorized person.

(7) Durable signs with lettering not less than 1/2 inch on a contrasting background shall be conspicuously posted at all landings instructing the elevator user how to summon the conveyance.

(8) The conveyance shall be parked and secured against unauthorized access after working hours.

NOTE: Authority cited: Sections 142.3 and 7323, Labor Code. Reference: Sections 142.3 and 7323, Labor Code.

#### HISTORY

1. New section filed 4–1–2008; operative 5–1–2008 (Register 2008, No. 14).

object in back of the ladder shall be provided. When unavoidable obstructions are encountered, the distance shall be permitted to be reduced to 115 mm (4.5 in.). Siderails, if provided, shall have a clear distance of not less than 115 mm (4.5 in.) from their centerline to the nearest permanent object. The nearest point of the ladder shall be within 1 000 mm (39 in.), measured horizontally from the means to unlock the egress door from the pit.

Pit access by a ladder shall not be permitted when the pit floor is more than 3 000 mm (120 in.) below the sill of the access door, except where there is no building floor below the bottom terminal landing, this height shall be permitted to be greater but not more than 4 200 mm (165 in.).

**2.2.4.3** Pits shall be accessible only to elevator personnel.

**2.2.4.4** Separate pit door, when provided, shall be subject to the following requirements:

(a) If the door swings into the pit, it shall be located so that it does not interfere with moving equipment.

(b) If the door swings out, and the lowest structural or mechanical part, equipment, or device installed beneath the car platform, except guide shoes or rollers or safety jaw assemblies, projects below the top of the separate pit access door opening when the car is level with the bottom terminal landing

(1) an electric contact conforming to 2.26.2.26 shall be provided to prevent operation of the elevator when the door is open

(2) the door shall be provided with a vision panel(s) that is glazed with clear wired glass not less than 6 mm (0.25 in.) thick, will reject a ball 150 mm (6 in.) in diameter, and have an area of not more than 0.03 m<sup>2</sup> (47 in.<sup>2</sup>)

(c) The door shall provide a minimum opening of 750 mm (29.5 in.) in width and 1 825 mm (72 in.) in height.

(d) The door shall be equipped with a barrier conforming to 2.11.1.2(i), where the door sill is located more than 300 mm (12 in.) above the pit floor.

(e) The door shall be self-closing and provided with a spring-type lock arranged to permit the door to be opened from inside of the pit without a key. Such doors shall be kept closed and locked. The key shall be of Group 1 Security (see 8.1).

### 2.2.5 Illumination of Pits

A permanent lighting fixture shall be provided and shall conform to 2.2.5.1 through 2.2.5.3.

**2.2.5.1** The lighting shall provide an illumination of not less than 100 lx (10 fc) at the pit floor and at a pit platform, when provided.

**2.2.5.2** The light bulb(s) shall be externally guarded to prevent contact and accidental breakage.

**2.2.5.3** The light switch shall be so located as to be accessible from the pit access door.

### 2.2.6 Stop Switch in Pits

(ED)

An enclosed stop switch(es), meeting the requirements of 2.26.2.7 and 2.2.6.1 through 2.2.6.3, shall be installed in the pit of each elevator.

**2.2.6.1** The stop switch shall be so located as to be accessible from the pit access door. Where access to the pits of elevators in a multiple hoistway is by means of a single access door, the stop switch for each elevator shall be located adjacent to the nearest point of access to its pit from the access door.

(ED)

**2.2.6.2** In elevators where access to the pit is through the lowest landing hoistway door, a stop switch shall be located approximately 450 mm (18 in.) above the floor level of the landing, within reach from this access floor and adjacent to the pit ladder, if provided. When the pit exceeds 1 700 mm (67 in.) in depth, an additional stop switch is required adjacent to the pit ladder and approximately 1 200 mm (47 in.) above the pit floor.

**2.2.6.3** Where more than one switch is provided, they shall be wired in series.

### 2.2.7 Minimum Pit Depths Required

The pit depth shall be not less than is required for the installation of the buffers, compensating sheaves, if any, and all other elevator equipment located therein and to provide the minimum bottom car clearance and runby required by 2.4.1.

### 2.2.8 Access to Underside of Car

Where the distance from the pit floor to the underside of the plank channels or slings exceeds 2 100 mm (83 in.), with the car at the lowest landing, a means shall be permanently installed or permanently stored in the pit to provide access to the equipment on the underside of the car.

## SECTION 2.3

### LOCATION AND GUARDING OF COUNTERWEIGHTS

#### 2.3.1 Location of Counterweights

Counterweights shall be located in the hoistway of the elevator that they serve, or in a remote hoistway subject to the limitations and requirements of 2.3.3.

#### 2.3.2 Counterweight Guards

**2.3.2.1** Metal guards shall be installed in the pit and/or machine room located underneath the hoistway on all open sides of the counterweight runway, except that

(a) the guard, or portion thereof, is not required on the side facing the car where there is no space greater

than 500 mm (20 in.) between compensating ropes (chains), or between compensating ropes (chains) and counterweight rails, or between compensating ropes (chains) and guards

(b) where pit-mounted buffers are used, the guard is not required where the bottom of the counterweight resting on its compressed buffer is 2 130 mm (84 in.) or more above the pit floor, or above the machine or control room floor if located underneath the hoistway

#### 2.3.2.2 Guards shall

(a) extend from the lowest part of the counterweight assembly when the counterweight is resting on the fully compressed buffer to a point not less than 2 100 mm (83 in.) and not more than 2 450 mm (96 in.) above the pit floor

(b) be the full width of the area being guarded

(c) not prevent determination of the counterweight runby

(d) be fastened to a metal frame reinforced and braced to be at least equal in strength and stiffness to 2 mm (0.074 in.) thick sheet steel

(e) if perforated, reject a ball 25 mm (1 in.) in diameter

### 2.3.3 Remote Counterweight Hoistways

Where elevators are not provided with either compensating means or counterweight safeties, the counterweights shall be permitted to be located in a remote hoistway conforming to 2.3.3.1 through 2.3.3.6.

**2.3.3.1** The hoistway shall be fully enclosed and shall be fire resistive, conforming to 2.1.1.1 if it penetrates separate fire-resistive areas of the structure.

**2.3.3.2** Construction at the top and bottom of the hoistway shall conform to 2.1.2.

**2.3.3.3** Permanent means shall be provided for inspection, repair, and maintenance of the counterweight, deflecting and secondary sheaves, hoistway, ropes, counterweight guide rails, and counterweight buffers or bumpers. Entry doors into the separate counterweight hoistway shall be provided at top, bottom, and center of counterweight hoistway, but in no case shall the entry doors be more than 11 m (36 ft) from sill to sill. Doors shall be located and of such width to provide unobstructed access to the space between the counterweight guides. The height of the door shall be at least 1 975 mm (78 in.). Doors shall conform to 2.11.1.2(b) through (e), inclusive. An enclosed stop switch, meeting the requirements of 2.26.2.5(a), (b), and (c), a permanent electric light switch, outlet, and light shall be provided in the hoistway immediately inside the entry door.

**2.3.3.4** Ropes and sheaves leading to the separate counterweight hoistways shall be protected against unauthorized access.

**2.3.3.5** Not more than four counterweights shall be located in a single separate counterweight hoistway.

Multiple counterweights located in a single hoistway shall be separated by means of an unperforated metal guard at the top, bottom, and center of the hoistway. Guards shall extend a minimum of 2 450 mm (96 in.) in length opposite the entry door. Doors and all other means described in 2.3.3.3 shall be provided for each counterweight.

**2.3.3.6** There shall be a clearance of not less than 600 mm (24 in.) between the weight in the counterweight frame and the wall containing the entry door.

### 2.3.4 Counterweight Runway Enclosures

Where a counterweight is located in the same hoistway as the car, the runway for the counterweight shall be permitted to be separated from the runway for the car, provided it conforms to 2.3.4.1 and 2.3.4.2.

**2.3.4.1** The partition shall be noncombustible. Unperforated metal partitions shall be equal to or stronger than 1.2 mm (0.047 in.) thick sheet steel. Openwork partitions shall be either wire grille at least 2.2 mm (0.087 in.) in diameter or expanded metal at least 2.2 mm (0.087 in.) in thickness.

**2.3.4.2** The counterweight runway shall be permitted to be fully enclosed for the full height, provided that the partitions are removable in sections weighing not more than 25 kg (55 lb), which permit inspection and maintenance of the entire counterweight assembly and the inspection of the counterweight guide rails and guide-rail brackets. (ED)

## SECTION 2.4

### VERTICAL CLEARANCES AND RUNBYS FOR CARS AND COUNTERWEIGHTS

#### 2.4.1 Bottom Car Clearances

**2.4.1.1** When the car rests on its fully compressed buffers or bumpers, there shall be a vertical clearance of not less than 600 mm (24 in.) between the pit floor and the lowest structural or mechanical part, equipment, or device installed beneath the car platform, except as specified in 2.4.1.2.

**2.4.1.2** The 600 mm (24 in.) clearance does not apply to

(a) any equipment on the car within 300 mm (12 in.) horizontally from any side of the car platform

(b) any equipment located on or traveling with the car located within 300 mm (12 in.) horizontally from either side of the car frame centerline parallel to the plane of the guide rails

(c) any equipment mounted in or on the pit floor located within 300 mm (12 in.) horizontally from either side of the car frame centerline parallel to the guide rail

**2.4.1.3** In no case shall the available refuge space be less than either of the following:

(a) a horizontal area of 600 mm × 1 200 mm (24 in. × 48 in.) with a height of 600 mm (24 in.)

(b) a horizontal area of 450 mm × 900 mm (18 in. × 35 in.) with a height of 1 070 mm (42 in.)

**2.4.1.4** Trenches and depressions or foundation encroachments permitted by 2.2.2.2 shall not be considered in determining these clearances.

**2.4.1.5** When the car is resting on its fully compressed buffers or bumpers, no part of the car, or any equipment attached thereto or equipment traveling with the car, shall strike any part of the pit or any equipment mounted therein.

**2.4.1.6** In any area in the pit, outside the refuge space, where the vertical clearance is less than 600 mm (24 in.), that area shall be clearly marked on the pit floor. Markings shall not be required in the area under the platform guard and guiding means if that is the only area in the pit where the vertical clearance is less than 600 mm (24 in.). The marking shall consist of alternating 100 mm (4 in.) diagonal red and white stripes. In addition, a sign with the words "DANGER LOW CLEARANCE" shall be prominently posted on the hoistway enclosure and be visible from within the pit and the entrance to the pit. The sign shall conform to ANSI Z535.2 or CAN/CSA-Z321, whichever is applicable (see Part 9). The sign shall be of such material and construction that the letters and figures stamped, etched, cast, or otherwise applied to the face shall remain permanently and readily legible.

#### 2.4.2 Minimum Bottom Runby for Counterweighted Elevators

The bottom runby of cars and counterweights shall be not less than the requirements stated in 2.4.2.1 and 2.4.2.2.

**2.4.2.1** Where oil buffers are used, the bottom runby shall be not less than 150 mm (6 in.), except that

(a) where practical difficulties prevent a sufficient pit depth or where a top clearance cannot be provided to obtain the runby specified, it shall be permitted to be reduced

(b) where spring-return-type oil buffers are used, the runby shall be permitted to be eliminated so that the buffers are compressed by amounts not exceeding those permitted by 2.22.4.8, when the car floor is level with the terminal landings

**2.4.2.2** Where spring buffers or solid bumpers are used, the bottom runby shall be not less than 150 mm (6 in.), except for rheostatic and single-speed AC control, not less than shown in Table 2.4.2.2.

#### 2.4.3 Minimum Bottom Runby for Uncounterweighted Elevators

The bottom runby of uncounterweighted elevators shall be not less than

**Table 2.4.2.2 Minimum Bottom Runby for Counterweight Elevators With Spring Buffers or Solid Bumpers and Rheostatic Control or Single-Speed AC Control**

Rated Speed, m/s (ft/min)	Runby, mm (in.)
Not over 0.13 (not over 25)	75 (3)
Over 0.13 to 0.25 (over 25 to 50)	150 (6)
Over 0.25 to 0.50 (over 50 to 100)	225 (9)
Over 0.50 to 1.0 (over 100 to 200)	300 (12)

(a) 75 mm (3 in.) where the rated speed does not exceed 0.15 m/s (30 ft/min)

(b) 150 mm (6 in.) where the rated speed exceeds 0.15 m/s (30 ft/min)

#### 2.4.4 Maximum Bottom Runby

In no case shall the maximum bottom runby exceed

(a) 600 mm (24 in.) for cars

(b) 900 mm (35 in.) for counterweights

#### 2.4.5 Counterweight Runby Data Plate

A data plate permanently and securely attached shall be provided in the pit, in the vicinity of the counterweight buffer, indicating the maximum designed counterweight runby. The data plate shall conform to 2.16.3.3, except that the letters shall be not less than 25 mm (1 in.) in height.

#### 2.4.6 Top Car Clearances for Counterweighted Elevators

**2.4.6.1 General Requirements.** The top car clearance shall be not less than the sum of either of the following:

- (a) the dimensions specified in 2.4.6.2(a) through (d)
- (b) the dimensions specified in 2.4.6.2(a), (b), (c), and (e)

**2.4.6.2 Components of the Top Car Clearances.** The following shall be considered when calculating the minimum top car clearances:

(a) the designed maximum bottom counterweight runby [see 2.4.4(b)]

(b) the stroke of the counterweight buffer, determined as follows:

(1) for full-stroke buffers, the stroke of the buffer used, or the remaining stroke when the buffer is compressed with the car at the top terminal landing (see 2.4.2 and 2.22.4.8); or

(2) for reduced-stroke oil buffers (see 2.22.4.1.2), the full stroke required by 2.22.4.1.1.

(c) 600 mm (24 in.) or the distance that any sheave or any other equipment mounted in or on the car crosshead projects above the top of the car crosshead, whichever is greater, but in no case shall there be less than 150 mm

(6 in.) clearance above the equipment, exclusive of guide-shoe assemblies or gate posts for vertically sliding gates, mounted on the car top or in or on the car crosshead when the car has reached its maximum upward movement.

NOTE: See also 2.4.12, requirements for refuge space on top of car enclosure.

(d)  $\frac{1}{2}$  the gravity stopping distance, based on:

(1) 115% of the rated speed where oil buffers are used, or 115% of the reduced striking speed when emergency terminal speed-limiting devices meeting the requirements of 2.25.4 are used and no compensating rope tie-down device in conformance with 2.17.17 is provided (see 8.2.5 for gravity stopping distances); or

(2) the governor tripping speed where spring buffers are used.

(e) the distance to which the compensating rope tie-down device, if provided (see 2.17.17) limits the jump of the car when the counterweight strikes the buffers at speeds specified in 2.4.6.2(d).

#### 2.4.7 Top Car Clearance for Uncounterweighted Elevators

The top car clearance shall be not less than the greater of the following:

(a) 750 mm (29.5 in.); or

(b) 150 mm (6 in.), plus the amount that any equipment mounted on the car crosshead, or above the car top when no crosshead is provided, projects vertically above the crosshead or top.

NOTE (2.4.7): See also 2.4.12, requirements for refuge space on top of car enclosure.

#### 2.4.8 Vertical Clearances With Underslung Car Frames

Where an underslung car frame is used, the clearances between the overhead car rope dead-end hitch or overhead car sheave and the portions of the car structure vertically below them, when the car floor is level with the top terminal landing, shall be not less than the following:

(a) where no counterweight is used, 230 mm (9 in.)

(b) where a counterweight is used, the sum of the following items:

(1) the bottom counterweight runby (see 2.4.2)

(2) the stroke of the counterweight buffer used, or the remaining stroke when the buffer is compressed with the car at the top terminal landing (see 2.4.2 and 2.22.4.8)

(3) 150 mm (6 in.)

(4)  $\frac{1}{2}$  the gravity stopping distance based on 115% of the rated speed where oil buffers are used, or 115% of the reduced striking speed when emergency terminal speed-limiting devices meeting the requirements of 2.25.4 are used and no provision is made to prevent the jump of the car at counterweight buffer engagement, or on governor tripping speed where spring buffers are

used (see 8.2.5 for gravity stopping distances)

NOTE [2.4.8(b)(4)]: See also 2.4.12, requirements for refuge space on top of car enclosure.

#### 2.4.9 Top Counterweight Clearances

The top counterweight clearance shall be not less than the sum of the following items:

(a) the bottom car runby (see 2.4.2)

(b) the stroke of the car buffer used, or the remaining stroke when the buffer is compressed with the car at the bottom terminal landing (see 2.4.2 and 2.22.4.8)

(c) 150 mm (6 in.)

(d)  $\frac{1}{2}$  the gravity stopping distance based on

(1) 115% of the rated speed where oil buffers are used, or 115% of the reduced striking speed when emergency terminal speed-limiting devices meeting the requirements of 2.25.4 are used and no provision is made to prevent the jump of the counterweight at car buffer engagement; or

(2) the governor tripping speed where spring buffers are used (see 8.2.5 for gravity stopping distances).

#### 2.4.10 Overhead Clearances Where Overhead Beams Are Not Over Car Crosshead

Where overhead beams or other overhead hoistway construction, except sheaves, are located vertically over the car, but not over the crosshead, the requirements of 2.4.10.1 and 2.4.10.2 shall be met.

**2.4.10.1** The clearance from the car top to such beams or construction, when the car is level with the top landing, shall be not less than the amount specified in 2.4.6 and 2.4.7.

**2.4.10.2** Such beams or construction shall be located not less than 600 mm (24 in.) horizontally from the crosshead.

#### 2.4.11 Equipment on Top of Car Not Permitted to Strike Overhead Structure

When the car crosshead, or car top where no crosshead is provided, is at a distance equal to that specified in 2.4.6.2(c) from the nearest obstruction above it, no equipment on top of the car shall strike any part of the overhead structure or the equipment located in the hoistway.

#### 2.4.12 Refuge Space on Top of Car Enclosure

**2.4.12.1** An unobstructed horizontal area of not less than 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>) shall be provided on top of the car enclosure for refuge space. It shall measure not less than 600 mm (24 in.) on any side. This area shall be permitted to include the space utilized for the top emergency exit [see 2.14.1.5.1(f)]. The minimum vertical distance in the refuge area between the top of the car enclosure and the overhead structure or other obstruction shall be not less than 1 100 mm (43 in.) when the car has reached its maximum upward movement.

**2.4.12.2** In any area outside the refuge space where the vertical clearance between the top of the car enclosure and the overhead structure or other obstructions is less than specified in 2.4.12.1, the top of the car enclosure shall be clearly marked. The marking shall consist of alternating 100 mm (4 in.) diagonal red and white stripes. In addition, a sign with the words "DANGER LOW CLEARANCE" shall be prominently posted on the crosshead and be visible from the entrance. The sign shall conform to ANSI Z535.2 or CAN/CSA-Z321, whichever is applicable (see Part 9). The sign shall be of such material and construction that the letters and figures stamped, etched, cast, or otherwise applied to the face shall remain permanently and readily legible.

## SECTION 2.5 HORIZONTAL CAR AND COUNTERWEIGHT CLEARANCES

### 2.5.1 Clearances Between Cars, Counterweights, and Hoistway Enclosures

**2.5.1.1 Between Car and Hoistway Enclosures.** The clearance between the car and the hoistway enclosure shall be not less than 20 mm (0.8 in.), except on the sides used for loading and unloading.

**2.5.1.2 Between Car and Counterweight and Counterweight Guard.** The clearance between the car and the counterweight shall be not less than 25 mm (1 in.). The clearance between the car and the counterweight guard, counterweight and the counterweight guard, and between the counterweight and the hoistway enclosure shall be not less than 20 mm (0.8 in.).

**2.5.1.3 Between Cars in Multiple Hoistways.** The running clearance between the cars and any equipment attached thereto, of elevators operating in a multiple hoistway, shall be not less than 50 mm (2 in.).

**2.5.1.4 Between Car and Landing Sills.** The clearance between the car platform sill and the hoistway edge of any landing sill, or the hoistway side of any vertically sliding counterweighted or counterbalanced hoistway door, or of any vertically sliding counterbalanced biparting hoistway door, shall be not less than 13 mm (0.5 in.) where side guides are used, and not less than 20 mm (0.8 in.) where corner guides are used. The maximum clearance shall be not more than 32 mm (1.25 in.).

### 2.5.1.5 Clearance Between Loading Side of Car Platforms and Hoistway Enclosures

**2.5.1.5.1** The clearance between the edge of the car platform sill and the hoistway enclosure or fascia plate for the full width of the clear hoistway door opening shall be not more than

- (a) 190 mm (7.5 in.) for vertically sliding doors
- (b) 125 mm (5 in.) for other doors

**2.5.1.5.2** This clearance shall be maintained to the location of the car sill when the car is resting on fully compressed buffer.

**2.5.1.5.3** The clearance is not limited on passenger elevators, provided that

- (a) a car door interlock conforming to 2.14.4.2 is provided to prevent a door from being opened unless the car is within the unlocking zone
- (b) the strength of the door complies with 2.11.11.2, 2.11.11.4, 2.11.11.6, 2.11.11.7, and 2.11.11.8

**2.5.1.6 Clearance Between Car Platform Apron and Pit Enclosure.** Where the lowest landing sill projects into the hoistway, the clearance between the car platform apron and the pit enclosure or fascia plate shall be not more than 32 mm (1.25 in.). This clearance shall be maintained to the location of the car platform apron when the car is resting on its fully compressed buffer.

**2.5.1.7 Measurement of Clearances.** The clearances specified in 2.5.1 shall be measured with no load on the car platform.

## SECTION 2.6 PROTECTION OF SPACE BELOW HOISTWAYS

Where a hoistway does not extend to the lowest floor of the building and there is space below the hoistway that is accessible, requirements of 2.6.1 and 2.6.2 shall be complied with.

### 2.6.1 Where the Space Is Underneath the Counterweight and/or Its Guides

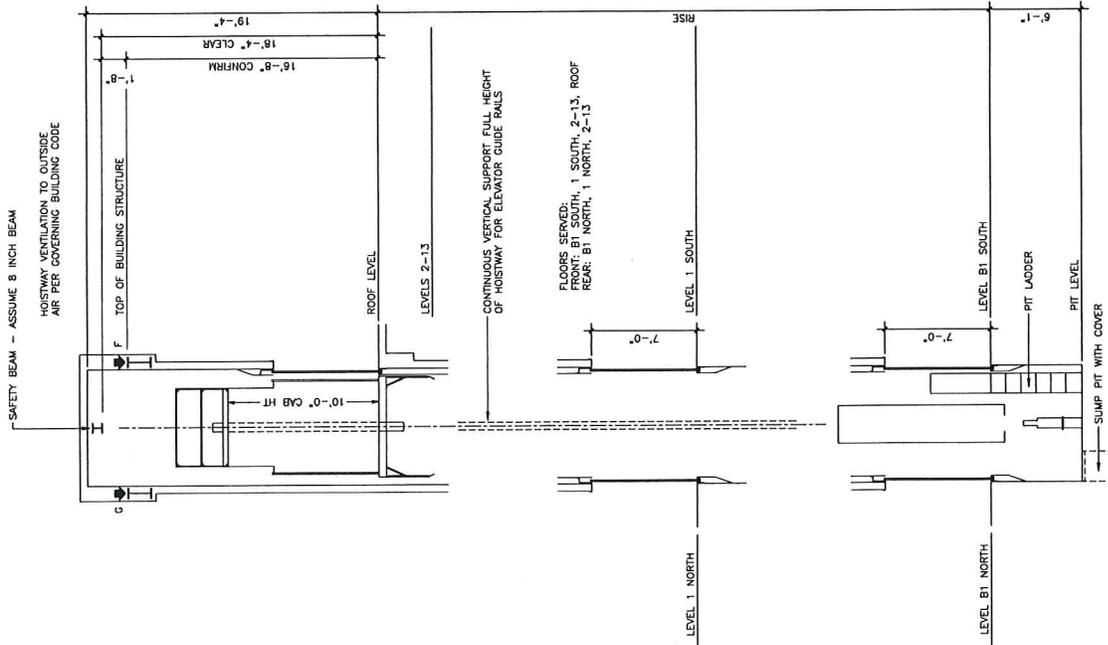
Where the space is underneath the counterweight and/or its guides

- (a) the counterweight shall be provided with a counterweight safety conforming to 2.17.4
- (b) spring buffers, if used, shall conform to 2.22, except that they shall not be fully compressed when struck by the counterweight at the following speeds (see 2.1.2.3):

- (1) at governor tripping speed where the counterweight safety is governor operated, or
- (2) 125% of the rated speed where the counterweight safety is not governor operated

### 2.6.2 Where the Space Is Underneath the Car and/or Its Guides

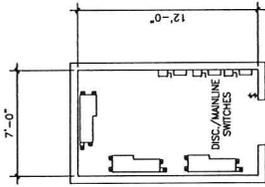
Where the space is underneath the car and/or its guides and if spring buffers are used, they shall be so designed and installed that they will not be fully compressed solid or to a fixed stop when struck by the car with its rated load at the governor tripping speed (see 2.1.2.3).



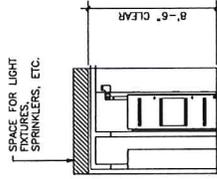
CAUTION: NO OCCUPIED SPACE BELOW ELEVATOR PIT  
SECTION THROUGH HOISTWAY

REVISIONS  
25 JULY 2014 ADDED COMPOSITE  
31 FEB 15 REISSUED SHEET  
ELEVATOR C 4000 LB. 350 FPM  
4000\_150R0C  
18 June 2014

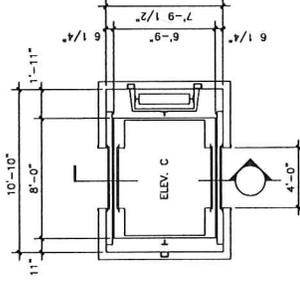
**ewcg**  
Edgett Williams Consulting Group



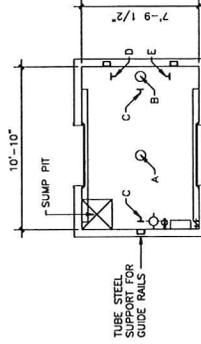
NOTE: COMBINED CONTROLLER ROOM FOR ELEVATORS A-C



CONTROLLER ROOM  
PLAN AND ELEVATION



PLAN AT TYPICAL FLOORS



PIT PLAN AT LEVEL B1 SOUTH

PIT LADDER, SUMP PIT, LIGHT SWITCH, LIGHT WITH LENS COVER AND GFCI ELECTRICAL OUTLET IN ELEVATOR PITS  
ELECTRICAL OUTLET IN OVERHEAD MACHINE SPACE  
INTERMEDIATE SUPPORT OR VERTICAL TUBE STEEL REQUIRED TO SUPPORT ELEVATOR CAR AND COUNTERWEIGHT GUIDE RAILS FOR FLOOR HEIGHTS GREATER THAN 11'-0"  
CAUTION: NO OCCUPIED SPACE BELOW ELEVATOR PIT

SEISMIC RAIL FORCE DETAIL

MK	ZONE 0-1	ZONE 2	ZONE 3-4
CAR	R1 .7 KIPS	1.4 KIPS	2.7 KIPS
	R2 .2	.7	1.4
CWT	R1 .4 KIPS	1.4 KIPS	2.8 KIPS
	R2 .1	.7	1.4

DEFLECTION NOT TO EXCEED 1/8 INCH BASED ON R1 & R2 RAIL FORCES. (SEISMIC ZONE 0-1)

DEFLECTION NOT TO EXCEED 1/4 INCH BASED ON R1 & R2 RAIL FORCES. (SEISMIC ZONE 2-4)

CAR AND COUNTERWEIGHT RAIL IMPACT FORCES ACT INDEPENDENTLY OF EACH OTHER, ALTHOUGH MAY OCCUR IN RAPID SUCCESSION.

\*THIS FORCE INCLUDES DOUBLING FOR IMPACT.

REACTIONS	
A	51 KIPS*
B	48*
C	24*
D	15
E	10
F	18 KIPS
G	23

REACTIONS A AND C MAY OCCUR SIMULTANEOUSLY

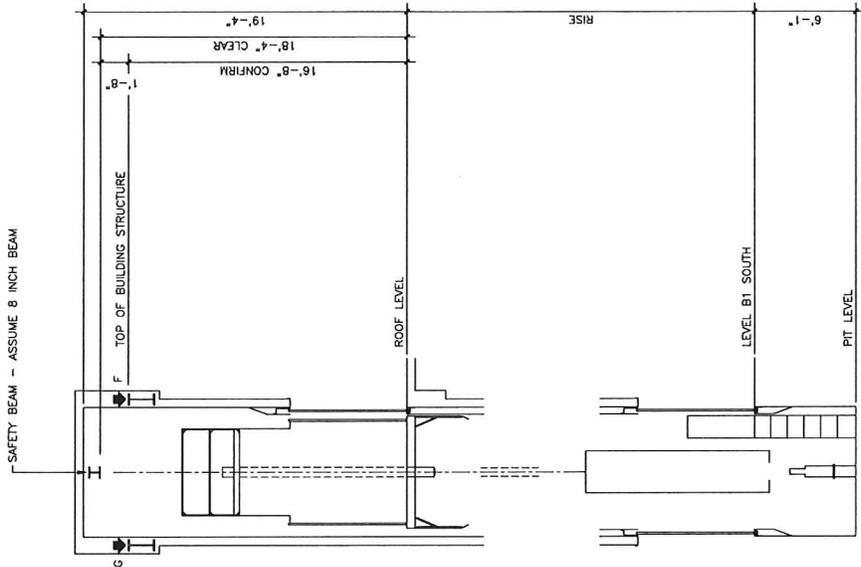
REACTIONS B, D AND E MAY OCCUR SIMULTANEOUSLY

\* THIS FORCE INCLUDES DOUBLING FOR IMPACT

THIS DRAWING IS A COMPILATION OF ELEVATOR REQUIREMENTS BY THREE ELEVATOR COMPANIES' MACHINE ROOM-LESS ELEVATOR

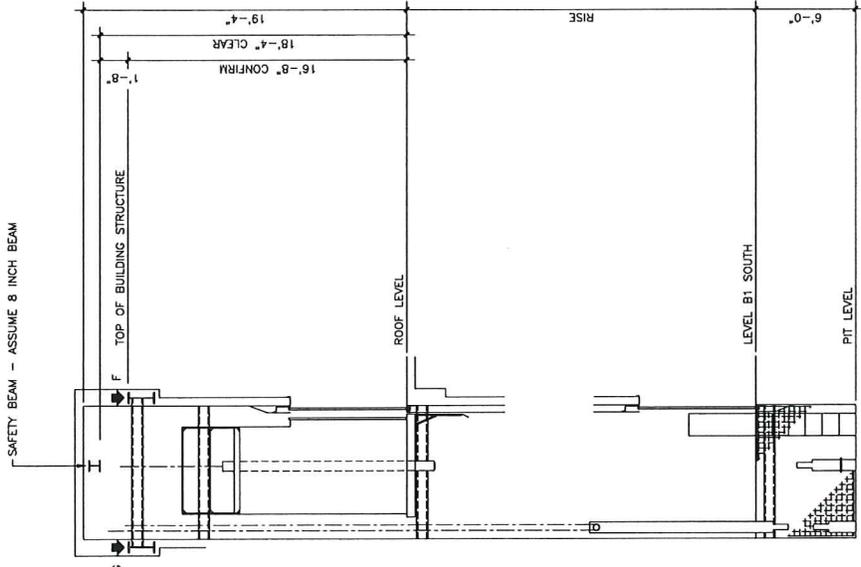
150 VAN NESS  
SAN FRANCISCO, CA

SKVT - 2



CAUTION! NO OCCUPIED SPACE BELOW ELEVATOR PIT  
 EL A-B SECTION THROUGH HOISTWAY

MITSUBISHI: 16'-6"  
 OGE: 16'-10"  
 OIS: 17'-6"  
 THYSSEN-KRUPP: 18'-4"



CAUTION! NO OCCUPIED SPACE BELOW ELEVATOR PIT  
 EL C SECTION THROUGH HOISTWAY

MITSUBISHI: 17'-5"  
 OGE: 18'-1"  
 OIS: 17'-6"  
 THYSSEN-KRUPP: 18'-4"

MANUFACTURER'S REQUIRED DIMENSIONS TO UNDERSIDE OF HOISTBEAM (DRIVEN BY REQUIREMENTS OF STATE ELEVATOR CODE CCR TITLE 8, BASED ON NATIONAL ELEVATOR CODE A17.1)



REVISIONS

ELEVATORS SECTIONS  
 12 FEBRUARY 2015

150 VAN NESS, SAN FRANCISCO, CA  
 SAMPLE ELEVATOR SECTIONS STUDY

SKVT - 4



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Case No.: 2013.0973E  
 Project Address: **150 Van Ness Avenue**  
 155 Hayes Street  
 101 Hayes Street/69 Polk Street  
 131-135 Hayes Street  
 125 Hayes Street  
 Zoning: C-3-G (Downtown General Commercial) Zoning District  
 Van Ness and Market Downtown Residential Special Use District  
 120-R-2 Height and Bulk District  
 Block/Lot: 0814/001, 014, 015, 016, and 021  
 Lot Size: Five lots totaling 46,490 square feet (approximately 1.07 acres)  
 Plan Area: Market and Octavia Area Plan  
 Project Sponsor: Marc Babsin – Emerald Fund Inc. – (415) 489-1313  
Marc@emeraldfund.com  
 Staff Contact: Sandy Ngan – (415) 575-9102  
Sandy.Ngan@sfgov.org

### PROJECT DESCRIPTION

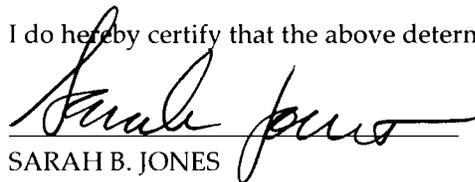
The project site is located on five parcels (Assessor’s Block 0814; Lots 001, 014, 015, 016, and 021) bordered by Hayes Street to the north, Polk Street to the east, adjacent properties to the south, and Van Ness  
(Continued on next page.)

### EXEMPT STATUS

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

### DETERMINATION

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

  
SARAH B. JONES

Environmental Review Officer

March 12, 2015  
Date

cc: Marc Babsin, Project Sponsor  
Supervisor Jane Kim, District 6  
Gonzalo Mosquera, Current Planner  
Pilar LaValley, Preservation Planner

Historic Preservation Distribution List  
Distribution List  
Virna Byrd, M.D.F.  
Exemption/Exclusion File

**PROJECT DESCRIPTION (continued)**

Avenue to the west. The five parcels comprising the project site total 46,490 square feet in size (approximately 1.07 acres) and are located in a C-3-G (Downtown General) Zoning District, the Van Ness and Market Downtown Residential Special Use District, and a 120-R-2 Height and Bulk District, within the Market and Octavia Area Plan.

The project site is currently occupied by a vacant office development (150 Van Ness Avenue, a seven-story, 95-foot-tall building on Lot 014, and 155 Hayes Street, an eight-story, 108-foot-tall building addition to the 150 Van Ness Avenue building, on Lot 015) totaling 149,049 square feet and four surface parking lots (Lots 001, 015, 016, and 021) with 99 off-street parking spaces. The surface parking lots are currently used for construction staging for the 100 Van Ness Avenue project.

The proposed 150 Van Ness Avenue project would demolish the on-site office development [150 Van Ness Avenue (constructed in 1925) and the 155 Hayes Street building addition to 150 Van Ness Avenue (constructed in 1958)] and surface parking lots, merge the five parcels, and construct a 13-story-over-basement-level, 120-foot-tall (excluding elevator, stair, and mechanical penthouses), 450,577 gross square feet (gsf) mixed-use building on the project site. As part of the demolition of the existing building, the pedestrian bridge over Hayes Street connecting the on-site 155 Hayes Avenue building addition to the adjacent 150 Hayes Street building (north of Hayes Street) would also be demolished.

The proposed building would include an approximately 25-foot-tall elevator penthouse, a 10-foot-tall stair penthouse, a 10-foot-tall mechanical and stair penthouse, and a 20-foot-tall mechanical penthouse screen above the proposed building's roof. The building height, as measured from the top of the curb to the elevator and mechanical penthouse, would be 145 feet (including the elevator and mechanical penthouse). Additionally, a diesel powered emergency generator (meeting Tier 2 emission standards and equipped with Level 3 verified diesel emissions control strategy equipment) and four natural gas boilers would be located on the roof.

The proposed 450,577-gsf mixed-use building would include 375,808-gsf of residential use, including 420 dwelling units; 1,220-gsf for three hotel guest suites for use by visitors of residents; 14,326-gsf for residential lobby and ground floor amenities use; 9,000-gsf of retail use, and 50,223-gsf of parking. The proposed building would have 420 dwelling units, three ground-floor hotel guest suites, and approximately 9,000 square feet of ground-floor retail, including a restaurant fronting Van Ness Avenue and Hayes Street.

The proposed project would include a basement-level parking garage (accessible from Hayes Street) for 216 vehicle parking spaces (including 210 residential spaces, two service vehicle spaces, and four car share spaces). About 201 of the 216 parking spaces would be provided through mechanical parking (stackers) and the remaining spaces would be provided as standard stalls. The proposed project would also provide a total of 230 Class 1 bicycle parking spaces (including 228 residential spaces and two retail spaces) on the ground and basement levels, 33 Class 2 bicycle parking spaces (including 21 residential spaces and 12 retail spaces) on the sidewalk adjacent to the project site along Hayes Street, and one off-street loading space (accessible from Hayes Street) at the ground-level of the building.

There are currently four curb cuts along the project site on Hayes Street and Polk Street that provide access to the on-site office building and surface parking lots. The proposed project would remove all four curb cuts and construct a new, approximately 34-foot-wide curb cut along Hayes Street to accommodate the proposed basement-level parking garage and loading dock. The ramp to the parking garage would also serve the below grade parking garage in the adjacent 100 Van Ness building so that the existing curb

cut for that garage on Van Ness Avenue can be removed. The proposed project would include an on-street passenger-loading zone (white curb) adjacent to the building lobby, just east of the garage driveway, and an on-street loading space. The proposed project would also convert one (1) metered parking space on the south side of Hayes Street (approximately 20 feet east of the Van Ness Avenue / Hayes Street intersection) into a shared on-street loading space (between 9:00 AM and 4:00 PM) and passenger loading space (from 7:00 PM until the closing time of the restaurant space). The adjacent existing two (2) existing metered, loading spaces on the south side of Hayes Street would also be available for passenger loading from 7:00 PM until the closing of the proposed restaurant.

The proposed project would have 16,368 square feet of common open space for the proposed residential uses, including approximately 5,470 square feet for a pool terrace and 10,898 square feet for a roof terrace. The total includes 864 square feet of open space on the proposed 150 Van Ness building roof for 18 units at the adjacent 100 Van Ness Avenue project.

Project construction is anticipated to start in September 2015 and occur over 24 months. The proposed project would entail up approximately 46,490 cubic yards of soil excavation and removal. It is not anticipated that any soil would be imported to the project site. Ground improvements, such as drilled displacement columns and soil-cement columns, would be used to densify the subsurface soils prior to the installation of the proposed mat foundation. Project excavation and ground improvements would take place up to a depth of 26 feet. Pile-driving techniques would not be used to construct the proposed project.

## PROJECT APPROVAL

The proposed 150 Van Ness Avenue project would require the approvals listed below.

### Actions by the Planning Commission

- Approval of an application for a Section 309 Downtown Project Authorization. As part of the Section 309 process, the proposed project would require exceptions to ground-level wind currents (Planning Code Section 148), off-street parking (Section 151.1), and rear yard-lot coverage (Section 249.33). This is considered the Approval Action for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.
- Approval of a conditional use authorization to exempt floor area attributed to inclusionary affordable housing units from the Floor Area Ratio (Section 124) and to authorize three guest suites as hotel rooms (Section 216).

### ACTIONS BY OTHER CITY DEPARTMENTS

- **Zoning Administrator.** Approval of a variance for dwelling unit exposure (Section 140), curb cut width (Sections 145.1 and 155), and a height exemption from the elevator (Section 260).
- **Department of Building Inspection (DBI).** Approval of site (building) permit, demolition, and grading, permits for the demolition of the existing buildings and construction of the new building.
- **Department of Public Works (DPW).** Approval of a lot merger and condominium map.

- **San Francisco Municipal Transportation Agency (SFMTA).** Approval of the proposed curb modifications and parking garage operations plan.
- **Bureau of Street Use and Mapping, DPW.** Street and sidewalk permits for any modifications to public streets, sidewalks, protected trees, street trees, or curb cuts.
- **San Francisco Public Utilities Commission.** Approval of any changes to sewer laterals. Approval of an erosion and sediment control plan prior to commencing construction, and compliance with post-construction stormwater design guidelines—including a stormwater control plan—required for projects that result in ground disturbance of an area greater than 5,000 square feet.
- **Bay Area Air Quality Management District (BAAQMD).** Issuance of permits for installation and operation of the emergency generator and boilers.

## COMMUNITY PLAN EXEMPTION OVERVIEW

California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 provide an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts that were not discussed in the underlying EIR; or d) are previously identified in the EIR, but which, as a result of substantial new information that was not known at the time that the EIR was certified, are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for the project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects of the 150 Van Ness Avenue project described above, and incorporates by reference information contained in the Programmatic EIR for the Market and Octavia Area Plan (Market and Octavia PEIR)<sup>1</sup>. Project-specific studies were prepared for the proposed project to determine if the project would result in any significant environmental impacts that were not identified in the Market and Octavia PEIR.

On April 5, 2007, the Planning Commission certified the Market and Octavia PEIR by Motion 17406.<sup>2,3</sup> The PEIR analyzed amendments to the San Francisco General Plan to create the Market and Octavia Area Plan element of the General Plan and amendments to the Planning Code and Zoning Maps, including the creation of the Van Ness and Market Downtown Residential Special Use District (SUD). The PEIR analysis was based upon an assumed development and activity that were anticipated to occur under the Market and Octavia Area Plan and SUD. Since the 150 Van Ness Avenue project includes the demolition

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<sup>1</sup> San Francisco Planning Department, 2007. Market and Octavia Area Plan Final Environmental Impact Report, Case No. 2003.0347E, State Clearinghouse No. 2004012118, certified April 5, 2007. This document is available online at [www.sf-planning.org/index.aspx?page=1714](http://www.sf-planning.org/index.aspx?page=1714) or at the Planning Department, 1650 Mission Street, Suite 400.

<sup>2</sup> Ibid.

<sup>3</sup> San Francisco Planning Department. San Francisco Planning Commission Motion 17406, April 5, 2007. Available online at: <http://www.sf-planning.org/index.aspx?page=1714>, accessed December 3, 2014.

of the existing office building and four surface parking lots and construction of a mixed-use building on the project site consistent with the Market and Octavia Area Plan and the SUD, the project's density and use were included in the analysis of the PEIR.

The Van Ness and Market Downtown Residential SUD is comprised of parcels zoned C-3-G in the Market and Octavia Plan area. This SUD is comprised of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van Ness Avenue at Mission Streets, along with parcels on both sides of Market and Mission Streets between 10<sup>th</sup> and 12<sup>th</sup> Streets. This district is intended to be a transit-oriented, high-density, mixed-used neighborhood with a significant residential presence. This area is encouraged to transit from largely a back-office and warehouse support function to downtown into a more cohesive downtown residential district, and services as a transition zone to the lower scale residential and neighborhood commercial areas to the west of the C-3 Zoning Districts. This area was initially identified in the Downtown Plan of the General Plan as an area to encourage housing adjacent to the downtown. As part of the City's Better Neighborhoods Program, this concept was fully articulated in the Market and Octavia Area Plan.

Subsequent to the certification of the PEIR, in May 2008, the Board of Supervisors approved and the Mayor signed into law, revisions to the Planning Code, Zoning Maps, and General Plan that constituted the "project" analyzed in the Market and Octavia PEIR. The legislation created several new zoning controls, which allow for flexible types of new housing to meet a broad range of needs, reduce parking requirements to encourage housing and services without adding cars, balance transportation by considering people movement over auto movement, and build walkable "whole" neighborhoods meeting everyday needs. The Market and Octavia Area Plan, as evaluated in the PEIR and as approved by the Board of Supervisors, accommodates the proposed use, design, and density of the 150 Van Avenue project.

Individual projects that could occur in the future under the Market and Octavia Area Plan will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed project at 150 Van Ness Avenue is consistent with and was encompassed within the analysis in the Market and Octavia PEIR. This determination also finds that the Market and Octavia PEIR adequately anticipated and described the impacts of the proposed 150 Van Ness Avenue project, and identified the mitigation measures applicable to the 150 Van Ness Avenue project. The proposed project is also consistent with the zoning controls and the provisions of the Planning Code applicable to the project site.<sup>4,5</sup> Therefore, no further CEQA evaluation for the 150 Van Ness Avenue project is required. Overall, the Market and Octavia PEIR and this Certificate of Exemption for the proposed project comprise the full and complete CEQA evaluation necessary for the proposed project.

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<sup>4</sup> Adam Varat, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 150 Van Ness Avenue, February 5, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

<sup>5</sup> Jeff Joslin, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Current Planning Analysis, 150 Van Ness Avenue, February 5, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

## PROJECT SETTING

The project site is located at the edge of the Downtown/Civic Center neighborhood, and the project area is characterized by office and institutional uses, residential uses, and neighborhood commercial uses, including restaurants, bars, cafés, hotels, fitness studios, and a variety of retail establishments. The project site is on the northern portion of the block on five parcels with frontages on Van Ness Avenue, Hayes Street, and Polk Street. The project site is approximately 46,490 square feet in size and is located within a C-3-G Zoning District, the Van Ness and Market Downtown Residential Special Use District, and a 120-R-2 Height and Bulk District. Parcels surrounding the project site are within C-3-G and P (Public) Zoning Districts and a mixture of 70-X, 80-X, 85-X, 96-X, 120-X, 120-R-2, 130-G, 200-R-2, and 400 R-2 Height and Bulk districts, providing a number of two to twenty-nine-story mixed-use buildings.

The project site is near the junction of three of the city's roadway grid systems: the north of Market, south of Market, and Mission grids meet at Market Street. Major roadways in the project vicinity include Franklin, Gough, Fell, Oak, Grove, Fulton, Hayes, Polk, Mission, Tenth, and Eleventh Streets, and Van Ness and South Van Ness Avenues. Interstate 80 and U.S. Highway 101 provide regional access to the project vicinity. The closest Bay Area Rapid Transit District (BART) stop is at Civic Center, approximately 0.5 mile east of the site; and the closest San Francisco Municipal Railway (Muni) Metro stop is at Van Ness Avenue and Market Street, a block south of the site. The project site is within a quarter mile of several local transit lines, including Muni Metro lines J, K, L, M, N, and T; streetcar Line F, as well as Muni bus lines N Owl, 5/5L, 6, 9/9L, 14/14L, 16X, 19, 21, 47, and 49.

## POTENTIAL ENVIRONMENTAL EFFECTS

The Market and Octavia PEIR included analyses of environmental issues including: plans and policies; land use and zoning; population, housing, and employment; urban design and visual quality; shadow and wind; cultural (historic and archaeological) resources; transportation; air quality; noise; hazardous materials; geology, soils, and seismicity; public facilities, services, and utilities; hydrology; biology; and growth inducement. The proposed 150 Van Ness Avenue project is in conformance with the height, use and density for the site described in the Market and Octavia PEIR and would represent a small part of the growth that was forecast for the Market and Octavia Plan area. Thus, the plan analyzed in the Market and Octavia PEIR considered the incremental impacts of the proposed 150 Van Ness Avenue project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Market and Octavia PEIR.

The Market and Octavia PEIR identified significant impacts related to archaeology, transportation, air quality, wind, shadow, geology, and hazardous materials. Mitigation measures were identified for the above impacts and reduced all impacts to less than significant, with the exception of those related to transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line), and shadow impacts on two open spaces (War Memorial and United Nations Plaza). The proposed 150 Van Ness project would result in the demolition of the existing on-site building and four surface parking lots with 99 parking spaces on the site and construction of 420 dwelling units, three ground-floor hotel guest suites, and 9,000-gsf of retail space. The proposed project would involve the demolition of a building that was determined not to be a historic resource by Preservation staff<sup>6</sup>; therefore, demolition of the existing on-site building would

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<sup>6</sup> San Francisco Planning Department, 2014. Historic Resources Evaluation Response for 150 Van Ness Avenue. September 22. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

not result in a significant impact on historic resources. Traffic and transit ridership generated by the project would not considerably contribute to the traffic and transit impacts identified in the Market and Octavia PEIR. A shadow study was prepared for the proposed project and determined that the proposed building would not shade any Planning Code Section 295 resources. The proposed project would shade nearby sidewalks, but at levels commonly expected in urban areas. A wind assessment was prepared for the proposed project, which determined that the number of exceedances of the comfort criterion would be overall reduced and the number of exceedances of the hazard criterion would remain the same, as under existing conditions

The Market and Octavia PEIR identified feasible mitigation measures to address significant impacts related to noise, air quality, archeological resources, historical resources, hazardous materials, and transportation. Table 1 below lists the mitigation measures identified in the Market and Octavia PEIR and states whether each measure would apply to the proposed project.

**Table 1 – Market and Octavia PEIR Mitigation Measures**

Mitigation Measure	Applicability
<b>A. Shadow</b>	
A1: Parks and Open Space not Subject to Section 295	Applicable: project involves new construction of a 120-foot-tall (excluding elevator, stair, and mechanical penthouses) mixed-used building. The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.
<b>B. Wind</b>	
B1: Buildings in Excess of 85 feet in Height	Applicable: project involves new construction of a 120-foot-tall (excluding elevator, stair, and mechanical penthouses) mixed-used building. The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.
B2: All New Construction	Applicable: project involves new construction of a 120-foot-tall (excluding elevator, stair, and mechanical penthouses penthouse) mixed-use building. The requirements of this mitigation measure have been complied with as part of this environmental review process. No further mitigation is required.
<b>C. Archaeological</b>	
C1: Soil Disturbing Activities in Archaeologically Documented Properties	Not Applicable: project site is not an archaeologically documented property.

Mitigation Measure	Applicability
C2: General Soil Disturbing Activities	Applicable: project site would involve general soil disturbing activities.
C3: Soil Disturbing Activities in Public Street and Open Space Improvements	Not Applicable: project site would not include soil disturbing activities in the street or open space improvements.
C4: Soil Disturbing Activities in the Mission Dolores Archaeological District	Not Applicable: project site is not located within the Mission Dolores Archaeological District.
<b>D. Transportation</b>	
D3: Traffic Mitigation Measure for Laguna/Market/Hermann/Guerrero Streets Intersection (LOS D to LOS E PM peak-hour)	Not applicable: plan level mitigation required by San Francisco Municipal Transportation Agency (SFMTA). In addition, project does not result in material change in the LOS or increase delay during the PM peak-hour of this intersection.
D4: Traffic Mitigation Measure for Market/Sanchez/Fifteenth Streets Intersection (LOS E to LOS E with increased delay PM peak-hour)	Not applicable: plan level mitigation required by SFMTA. In addition, project does not result in material change in the LOS or increase delay during the PM peak-hour of this intersection.
D5: Traffic Mitigation Measure for Market/Church/Fourteenth Streets Intersection (LOS E to LOS E with increased delay PM peak hour)	Not applicable: Not applicable: plan level mitigation required by SFMTA. In addition, project does not result in material change in the LOS or increase delay during the PM peak-hour of this intersection.
D6: Traffic Mitigation Measure for Mission Street/Otis Street/South Van Ness Intersection (LOS F to LOS F with increased delay PM peak-hour)	Not applicable: Not applicable: plan level mitigation required by SFMTA. In addition, project does not result in material change in the LOS or increase delay during the PM peak-hour of this intersection.
<b>E. Air Quality</b>	
E1: Construction Mitigation Measure for Particulate Emissions	Not Applicable: project would comply with the San Francisco Dust Control Ordinance.
E2: Construction Mitigation Measure for Short-Term Exhaust Emissions	Applicable: The project is located in an Air Pollutant Exposure Zone.
<b>F. Hazardous Materials</b>	
F1: Program or Project Level Mitigation Measures	Not applicable: This mitigation measure has been superseded by the San Francisco Dust Control Ordinance and State Asbestos Airborne Toxic Control Measures (ATCM) for

Mitigation Measure	Applicability
	Construction, Grading, Quarrying, and Surface Mining Operations.
<b>G. Geology, Soils, and Seismicity</b>	
G1: Construction Related Soils Mitigation Measure	Applicable: project involves new construction of a 120-foot-tall (excluding elevator, stair, and mechanical penthouses) mixed-used building.

Please see the attached Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measures. With implementation of these mitigation measures, the proposed project would not result in significant impacts beyond those analyzed in the Market and Octavia PEIR.

## PUBLIC NOTICE AND COMMENT

A "Notification of Project Receiving Environmental Review" was mailed on August 28, 2014 to adjacent occupants and owners of properties within 300 feet of the project site. No comments from the public were received.

## CONCLUSION

As summarized above and further discussed in the Community Plan Exemption (CPE) Checklist<sup>7</sup>:

1. The proposed project is consistent with the development density established for the project site in the Market and Octavia Area Plan;
2. The proposed project would not result in effects on the environment that are peculiar to the project or the project site that were not identified as significant effects in the Market and Octavia PEIR;
3. The proposed project would not result in potentially significant off-site or cumulative impacts that were not identified in the Market and Octavia PEIR;
4. The proposed project would not result in significant effects, which, as a result of substantial new information that was not known at the time the Market and Octavia PEIR was certified, would be more severe than were already analyzed and disclosed in the PEIR; and
5. The project sponsor will undertake feasible mitigation measures specified in the Market and Octavia PEIR to mitigate project-related significant impacts.

Therefore, the proposed project is exempt from further environmental review pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

<sup>7</sup> The CPE Checklist is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, in Case File No. 2013.0973E.



# SAN FRANCISCO PLANNING DEPARTMENT

## Community Plan Exemption Checklist

*Case No.:* 2013.0973E  
*Project Address:* **150 Van Ness Avenue**  
 155 Hayes Street  
 101 Hayes Street/69 Polk Street  
 131-135 Hayes Street  
 125 Hayes Street  
*Zoning:* C-3-G (Downtown General Commercial) Use District  
 Van Ness and Market Downtown Residential Special Use District  
 120-R-2 Height and Bulk District  
*Block/Lot:* 0814/001, 014, 015, 016, and 021  
*Lot Size:* Five lots totaling 46,490 square feet (approximately 1.07 acres)  
*Plan Area:* Market and Octavia Area Plan  
*Project Sponsor:* Marc Babsin, Emerald Fund – (415) 489-1313  
[Marc@emeraldfund.com](mailto:Marc@emeraldfund.com)  
*Staff Contact:* Sandy Ngan – (415) 575-9102  
[Sandy.Ngan@sfgov.org](mailto:Sandy.Ngan@sfgov.org)

1650 Mission St.  
 Suite 400  
 San Francisco,  
 CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
 Information:  
**415.558.6377**

### PROJECT DESCRIPTION

#### Project Location

The project site is located at the edge of the Downtown/Civic Center neighborhood and the project area is characterized by office and institutional uses, residential uses, and neighborhood commercial uses, including restaurants, bars, cafés, hotels, fitness studios, and a variety of retail establishments.

The project site is located on five parcels (Assessor’s Block 0814; Lots 001, 014, 015, 016, and 021) bordered by Hayes Street to the north, Polk Street to the east, adjacent properties to the south, and Van Ness Avenue to the west. The five parcels comprising the project site total 46,490 square feet in size (approximately 1.07 acres) and are located in a C-3-G (Downtown General) Zoning District, the Van Ness and Market Downtown Residential Special Use District, and a 120-R-2 Height and Bulk District, within the Market and Octavia Area Plan.

The project site is currently occupied by a vacant office development (150 Van Ness Avenue, a seven-story, 95-foot-tall building on Lot 014, and 155 Hayes Street, an eight-story, 108-foot-tall building addition to the 150 Van Ness Avenue building, on Lot 015) totaling 149,049 square feet and four surface parking lots (Lots 001, 015, 016, and 021) with 99 off-street parking spaces. The surface parking lots are currently used for construction staging for the 100 Van Ness Avenue project.

Parcels surrounding the project site are within C-3-G and P (Public) Zoning Districts and a mixture of 70-X, 80-X, 85-X, 96-X, 120-X, 120-R-2, 130-G, 200-R-2, and 400-R-2 Height and Bulk Districts, providing a number of two to twenty-nine-story mixed-use buildings. The project site is near the junction of three of the city’s roadway grid systems: the north of Market, south of Market, and Mission grids meet at Market Street. Major roadways in the project vicinity include Franklin, Gough, Fell, Oak, Grove, Fulton, Hayes, Polk, Mission, Tenth, and Eleventh Streets, and Van Ness and South Van Ness Avenues. Interstate 80

and U.S. Highway 101 provide regional access to the project vicinity. The closest Bay Area Rapid Transit District (BART) stop is at Civic Center, approximately 0.5 mile east of the site; and the closest San Francisco Municipal Railway (Muni) Metro stop is at Van Ness Avenue and Market Street, a block south of the site. The project site is within a quarter mile of several local transit lines, including Muni Metro lines J, K, L, M, N, and T; streetcar line F, as well as Muni bus lines N Owl, 5/5L, 6, 9/9L, 14/14L, 16X, 19, 21, 47, and 49.

Figure 1: Project Location



Source: AECOM

**Existing Conditions**

Information pertaining to the existing on-site office development and four surface parking lots on the project site is summarized in Table 1 and shown on Figure 2.

Table 1: Existing Uses on the Project Site

<b>Lot<sup>a</sup> Number</b>	<b>Address</b>	<b>Lot Size (square feet)</b>	<b>Building Area (square feet)</b>	<b>Date Constructed</b>	<b>Uses/Building Characteristics</b>
014	150 Van Ness Avenue	11,996	149, 049	1925, façade renovation 1969	7-story office building (vacant)
015	155 Hayes Street (building addition to 150 Van Ness)	21,078		1958, building addition to 150 Van Ness Avenue	8-story office building (vacant) and surface parking lot <sup>b</sup>
001	101 Hayes Street/ 69 Polk Street	6,000	—	—	Surface parking lot <sup>b</sup>
016	131-135 Hayes Street	3,163	—	—	Surface parking lot <sup>b</sup>
021	125 Hayes Street	4,248	—	—	Surface parking lot <sup>b</sup>
<b>Total</b>	—	<b>46,485</b>	<b>149,049</b>	—	—
Notes:					
<sup>a</sup> The project site is located on Assessor's Block 0814.					
<sup>b</sup> The four parking lots provide a total of 99 parking spaces.					



## Project Characteristics

The proposed 150 Van Ness Avenue project (proposed project or project) would demolish the on-site office development (150 Van Ness Avenue and the 155 Hayes Street building addition to 150 Van Ness Avenue) and surface parking lots, merge the five parcels, and construct a 13-story-over-basement-level, 120-foot-tall (excluding elevator, stair, and mechanical penthouses), 450,577 gross square feet (gsf) mixed-use building on the project site. As part of the demolition of the existing building, the pedestrian bridge over Hayes Street connecting the on-site 155 Hayes Avenue building addition to the adjacent 150 Hayes Street building (north of Hayes Street) would also be demolished. Information pertaining to the proposed mixed-use development is summarized in Table 2 on page 8 and further detailed in this section below.

The proposed building would include an approximately 25-foot-tall elevator penthouse, a 10-foot-tall stair penthouse, a 10-foot-tall mechanical and stair penthouse, and a 20-foot-tall mechanical penthouse screen above the proposed building's roof. The building height, as measured from the top of the curb to the elevator and mechanical penthouse, would be 145 feet (including the elevator and mechanical penthouse). Additionally, a diesel powered emergency generator and four condensing natural gas boilers would be located on the roof.

The proposed 450,577-gsf mixed-use building would include 375,808-gsf of residential use, including 420 dwelling units; 1,200-gsf for three hotel guest suites for use by visitors of residents; 14,326-gsf for residential lobby and ground floor amenities use; 9,000-gsf of retail use, and 50,223-gsf of parking. The proposed building would have 420 dwelling units (including 24 studio units, 222 one-bedroom units, 160 two-bedroom units, and 14 three-bedroom units), three ground-floor hotel guest suites, and approximately 9,000 square feet of ground-floor retail, including a restaurant fronting Van Ness Avenue and Hayes Street.

The proposed project would include a basement-level parking garage (accessible from Hayes Street) for 216 vehicle parking spaces (including 210 residential spaces, two service vehicle spaces, and four car share spaces). About 201 of the 216 parking spaces would be provided through mechanical parking (stackers) and the remaining spaces would be provided as standard stalls. The proposed project would also provide a total of 230 Class 1 bicycle parking spaces (including 228 residential spaces and two retail spaces) on the ground and basement levels, 33 Class 2 bicycle parking spaces (including 21 residential spaces and 12 retail spaces) on the sidewalk adjacent to the project site along Hayes Street, and one off-street loading space (accessible from Hayes Street) at the ground-level of the building.

There are currently four curb cuts along the project site on Hayes Street and Polk Street that provide access to the on-site office building and surface parking lots. The proposed project would remove all four curb cuts and construct a new, approximately 34-foot-wide curb cut along Hayes Street to accommodate the proposed basement-level parking garage and loading dock. The ramp to the parking garage would also serve the below grade parking garage in the adjacent 100 Van Ness building so that the existing curb cut for that garage on Van Ness Avenue can be removed. The proposed project would include an on-street passenger-loading zone (white curb) adjacent to the building lobby, just east of the garage driveway, and an on-street loading space. The proposed project would also convert one (1) metered parking space on the south side of Hayes Street (approximately 20 feet east of the Van Ness Avenue / Hayes Street intersection) into a shared on-street loading space (between 9:00 AM and 4:00 PM) and passenger loading space (from 7:00 PM until the closing time of the restaurant space). The adjacent existing two (2) existing metered, loading spaces on the south side of Hayes Street would also be available for passenger loading from 7:00 PM until the closing of the proposed restaurant.

The proposed project would have about 16,368 square feet of common open space for the proposed residential uses, including approximately 5,470 square feet for a pool terrace and 10,898 square feet for a roof terrace. The total includes 864 square feet of open space on the proposed 150 Van Ness building roof for 18 units at the adjacent 100 Van Ness Avenue project.

Project construction is anticipated to start in September 2015 and occur over 24 months. The proposed project would entail up approximately 46,490 cubic yards of soil excavation and removal. It is not anticipated that any soil would be imported to the project site. Ground improvements, such as drilled displacement columns and soil-cement columns, would be used to densify the subsurface soils prior to the installation of the proposed mat foundation. Project excavation and ground improvements would take place up to a depth of 26 feet. Pile-driving techniques would not be used to construct the proposed project.

**Table 2**  
**Project Characteristics**

<b>Lot</b>	<b>Dimensions</b>
Size	46,490 square feet
Width (Various)	60 feet (Polk Street) – 120 feet (Van Ness Avenue)
Length	384 feet (Hayes Street)
<b>Proposed Uses</b>	<b>Area (gsf)</b>
Residential	375,808
Retail (including quality sit-down restaurant)	9,000
Hotel (Guest Suites)	1,200
Parking	50,223
Other (Residential Lobby/Amenities)	14,326
Total	450,577
<b>Proposed Units</b>	<b>Amount (Percent)</b>
Dwelling Units (total)	420 (100%)
Studio	24 (5.7%)
1-Bedroom	222 (52.9%)
2-Bedroom	160 (38.1%)
3-Bedroom	14 (3.3%)
Hotel (Guest Suites)	3
Retail	2 spaces
Parking Spaces	216 <sup>a</sup>
Bicycle Parking Spaces	263 <sup>b</sup>
<b>Open Space</b>	<b>Area (square feet)</b>
Common (pool and roof terrace)	16,368 <sup>c</sup>
<b>Building Characteristics</b>	<b>Levels/Height</b>
Van Ness Avenue portion (varies)	13 levels (two stories –retail/11 stories residential)/ 120 feet plus 25 feet for elevator penthouse  2 levels (two stories retail/pool terrace)/ 48 feet at the top of the pool terrace screen wall
Hayes Street portion	13 levels (ground floor–lobby, retail, residential and 12 stories residential)/ 120 feet plus 25 feet for elevator penthouse
Polk Street portion	13 levels (13 stories residential)/ 120 feet plus 25 feet for elevator penthouse
Basement (parking beneath the entire project site)	1 level below grade
Notes: gsf = gross square feet	
<sup>a</sup> Car parking spaces: 210 residential spaces would be located in the basement-level parking garage. Two service vehicle spaces and four car-share spaces would be provided in addition to the 210 parking spaces in the basement-level parking garage.	
<sup>b</sup> Bicycle parking spaces: 230 Class 1 bicycle parking spaces would be located in the ground and basement-levels and 33 Class 2 parking spaces would be located on the sidewalk adjacent to the project site along Hayes Street for the residential and retail uses.	
<sup>c</sup> This total includes 864 square of open space on the roof terrace provided for 18 units of the 100 Van Ness Avenue building.	



Figure 3: Proposed Site Plan (roof level view)

SOURCES: EMERALD FUND, RELATED, March 2015.





Figure 5: Proposed Floor Plan – Ground Level

SOURCES: EMERALD FUND; RELATED, March 2015.





Figure 7: Proposed Floor Plan – Level 3

SOURCES: EMERALD FUND; RELATED, March 2015.



Figure 8: Proposed Floor Plan – Levels 4 through 11

SOURCES: EMERALD FUND; RELATED, March 2015.



Figure 9: Proposed Floor Plan – Level 12

SOURCES: EMERALD FUND; RELATED, March 2015.



Figure 10: Proposed Floor Plan – Level 13

SOURCES: EMERALD FUND; RELATED, March 2015.

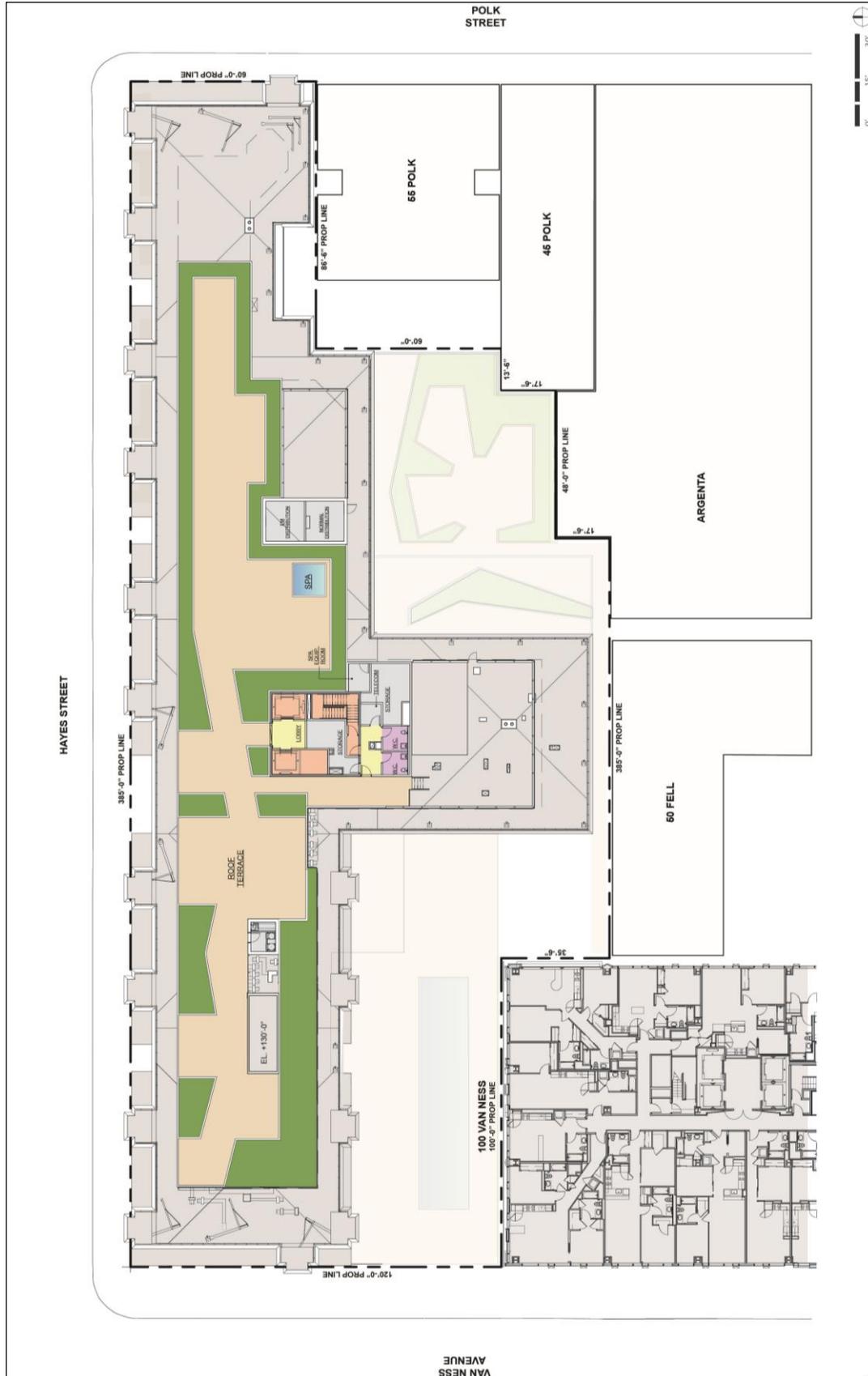


Figure 11: Proposed Roof Plan

SOURCES: EMERALD FUND; RELATED, March 2015.

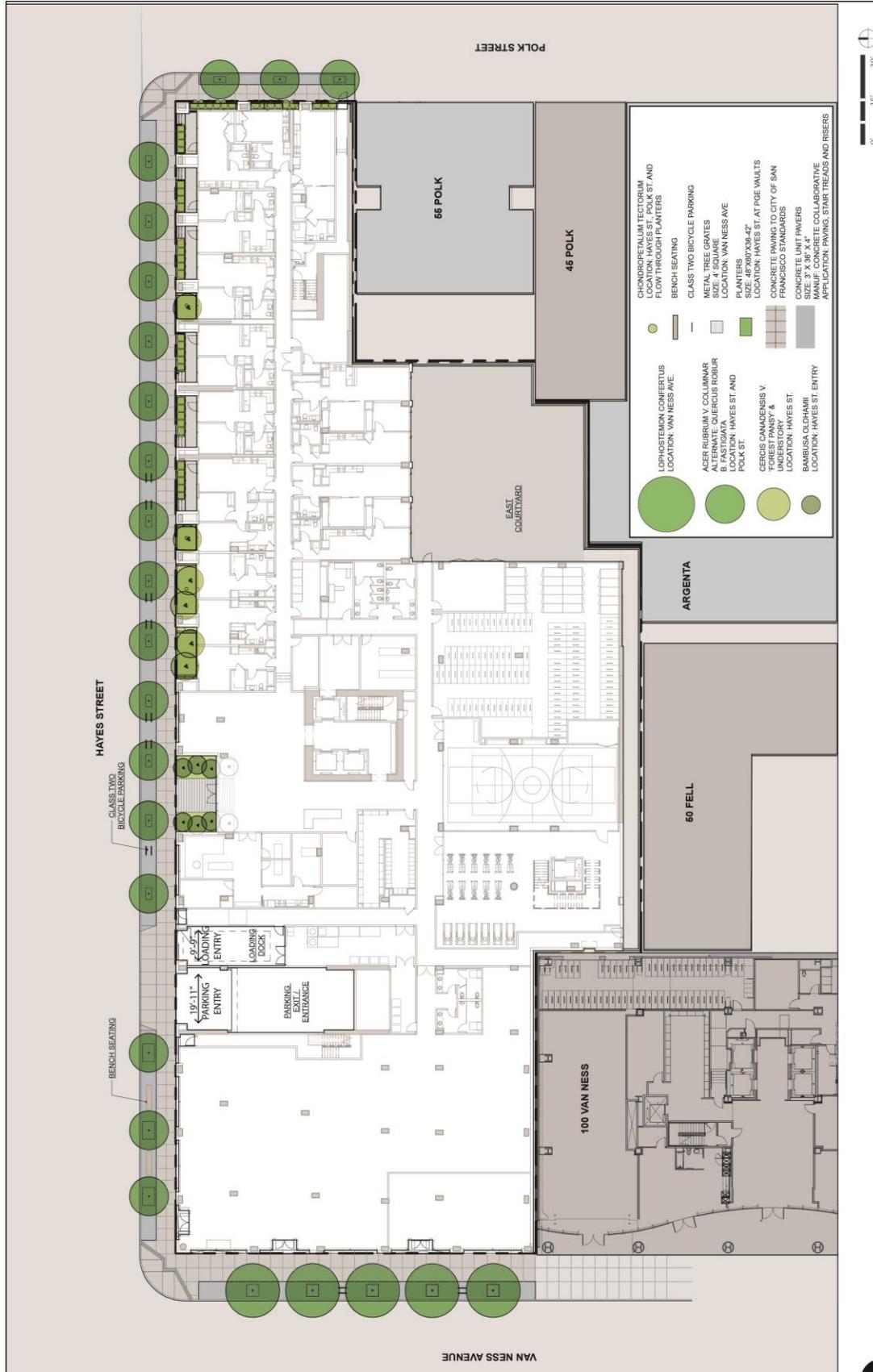


Figure 12: Proposed Streetscape Plan

SOURCES: EMERALD FUND; RELATED, March 2015.

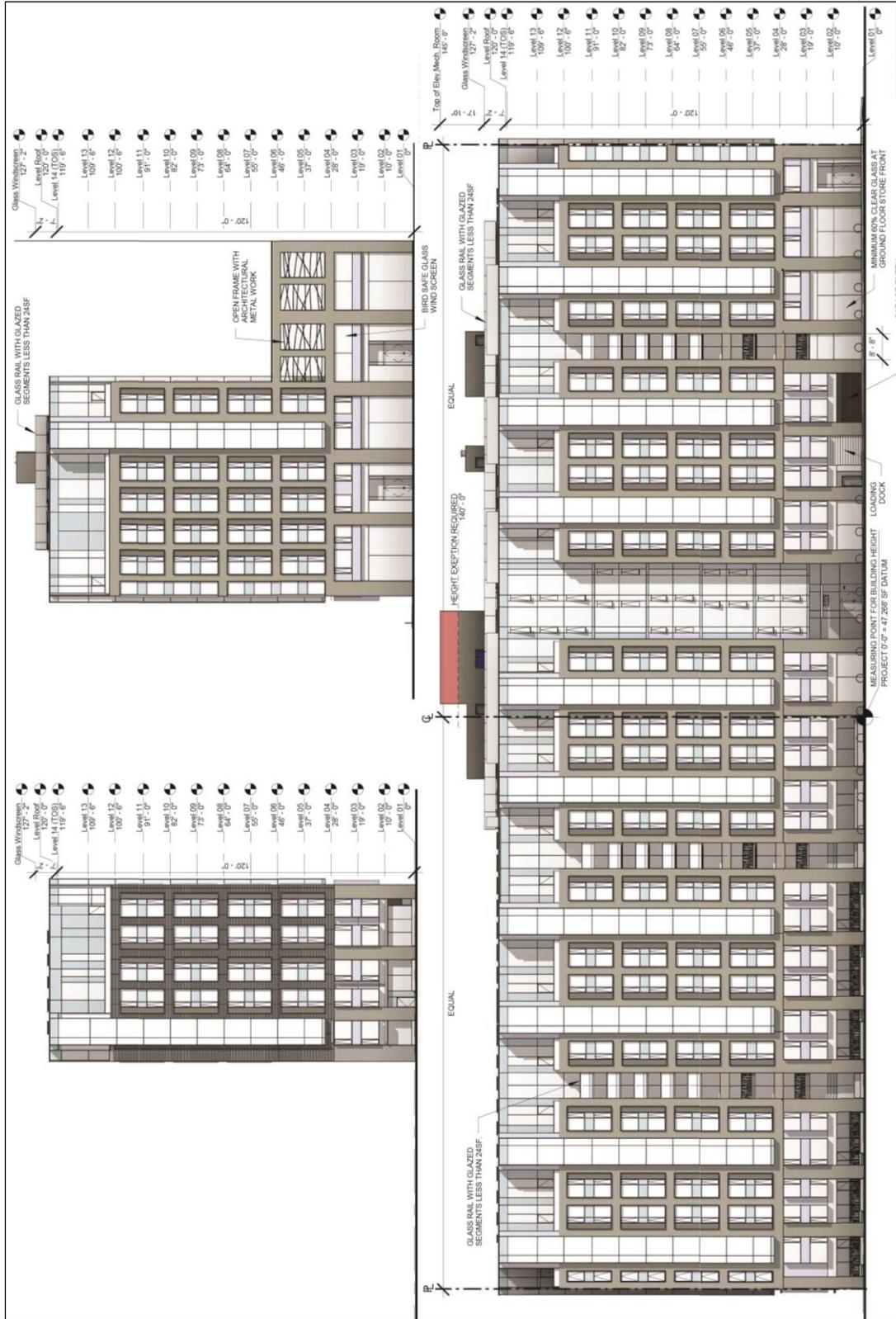


Figure 13: Proposed Elevations  
West/Polk Street (top left), East/Van Ness Avenue (top right), North/Hayes Street (bottom)

SOURCES: EMERALD FUND; RELATED, March, 2015.

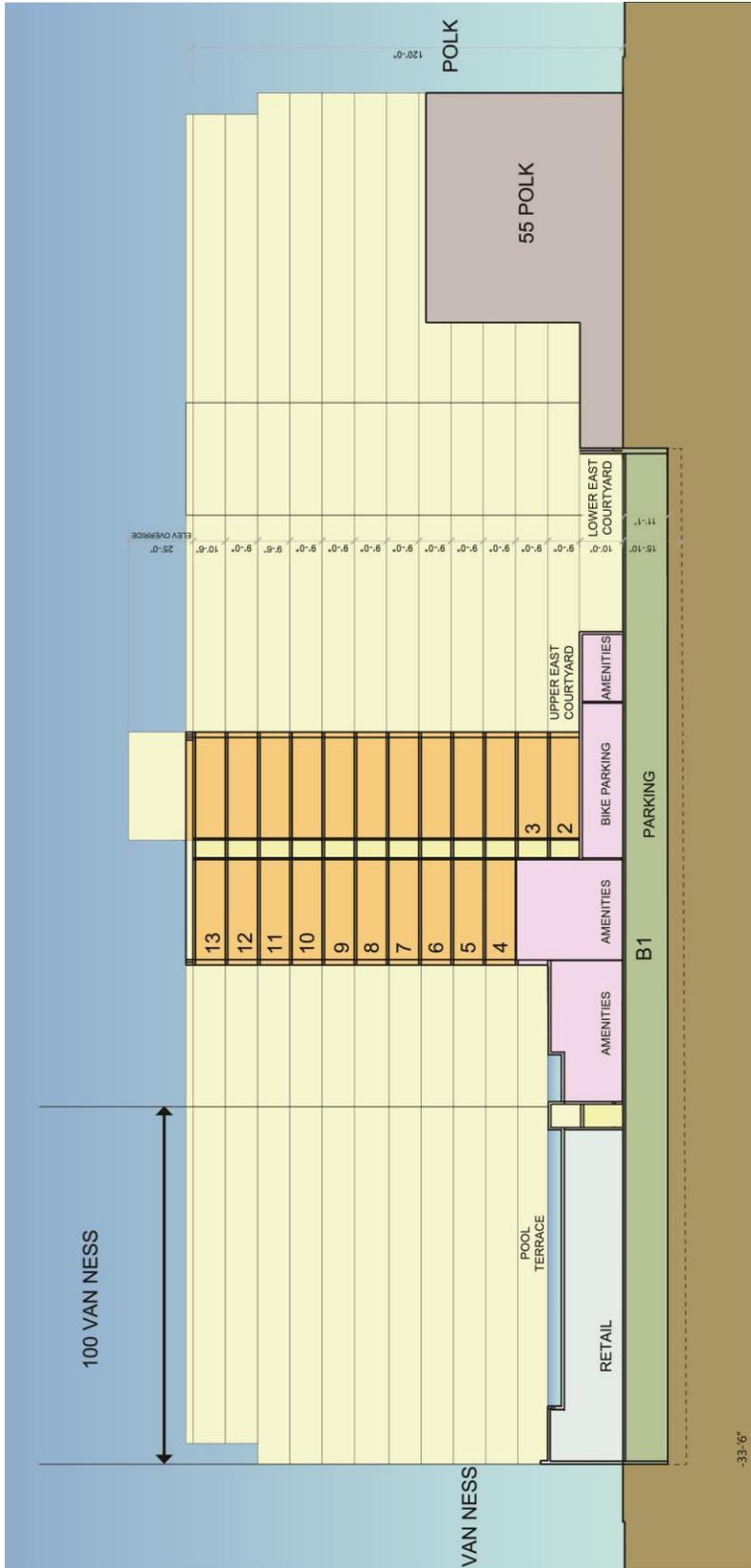


Figure 14: Proposed Section (Side)

SOURCES: EMERALD FUND; RELATED, March 2015

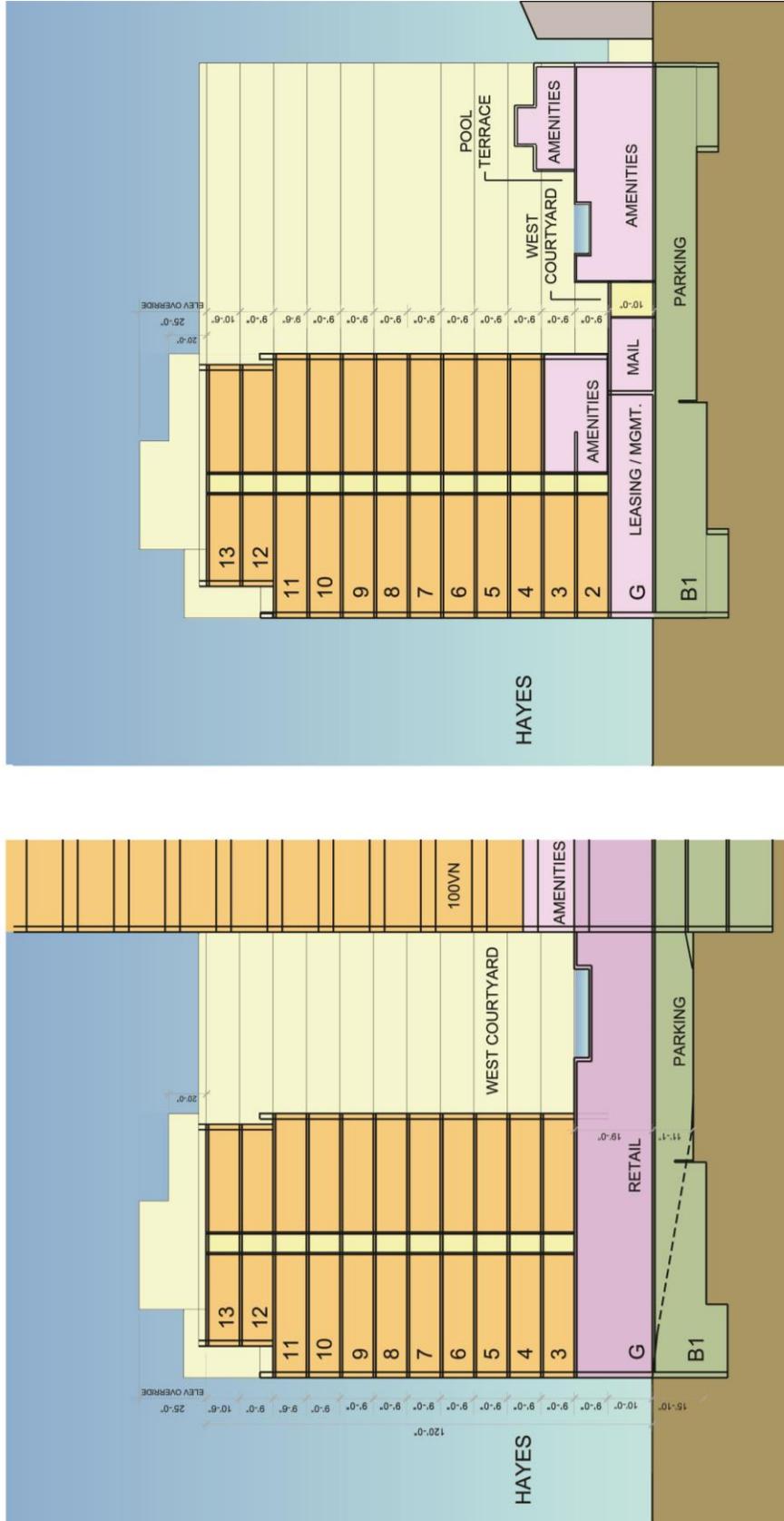


Figure 15: Proposed Elevations (Van Ness Avenue)

SOURCES: EMERALD FUND; RELATED, March 2015.

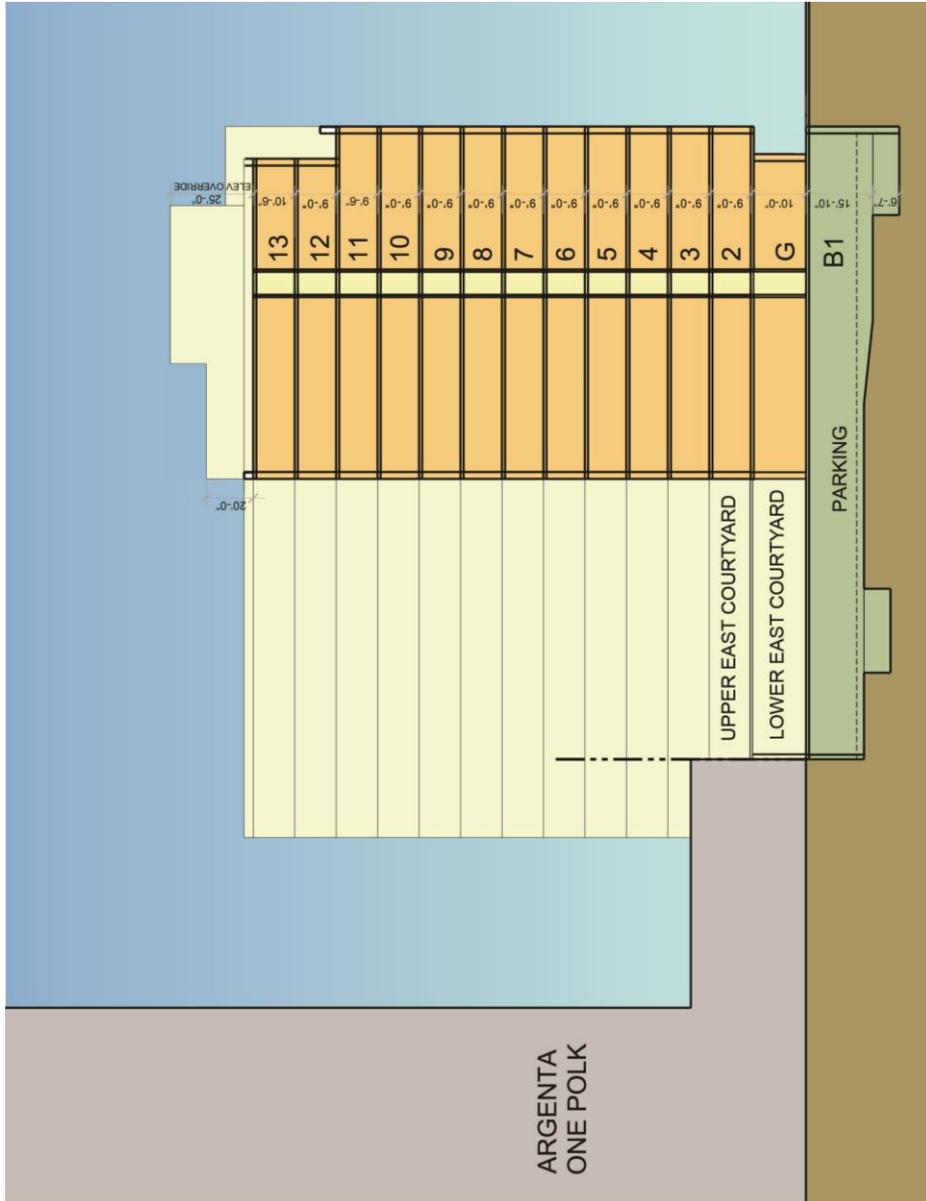


Figure 16: Proposed Section (Polk Street)

SOURCES: EMERALD FUND; RELATED, March 2015.



Figure 17: Perspective – View from Van Ness Avenue at Hayes Street

SOURCES: EMERALD FUND; RELATED, March 2015.



Figure 18: Perspective – View along Hayes Street at Polk Street

SOURCES: EMERALD FUND; RELATED, March 2015.



Figure 19: Perspective – Entrance (left) and Detail Views (right)

SOURCES: EMERALD FUND, RELATED, March 2015.



Figure 20: Perspective – Walk Up Unit Entry (left) and Pool Terrace (right)

SOURCES: EMERALD FUND; RELATED, March 2015.



Figure 21: Perspective – Aerial View

SOURCES: EMERALD FUND; RELATED, March 2015.

## PROJECT APPROVALS

The proposed 150 Van Ness Avenue project would require the approvals listed below.

### Actions by the Planning Commission

- Approval of an application for a Section 309 Downtown Project Authorization. As part of the Section 309 process, the proposed project would require exceptions to ground-level wind currents (Planning Code Section 148), off-street parking (Section 151.1), and rear yard-lot coverage (Section 249.33). This is considered the Approval Action for this CEQA determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.
- Approval of a conditional use authorization to exempt floor area attributed to inclusionary affordable housing units from the Floor Area Ratio (Section 124) and to authorize three guest suites as hotel rooms (Section 216).

### Actions by other City Departments

- **Zoning Administrator.** Approval of a variance for dwelling unit exposure (Section 140), curb cut width (Sections 145.1 and 155), and a height exemption from the elevator (Section 260).
- **Department of Building Inspection (DBI).** Approval of site (building) permit, demolition, and grading, permits for the demolition of the existing buildings and construction of the new building.
- **Department of Public Works (DPW).** Approval of a lot merger and condominium map.
- **San Francisco Municipal Transportation Agency (SFMTA).** Approval of the proposed curb modifications and parking garage operations plan.
- **Bureau of Street Use and Mapping, DPW.** Street and sidewalk permits for any modifications to public streets, sidewalks, protected trees, street trees, or curb cuts.
- **San Francisco Public Utilities Commission.** Approval of any changes to sewer laterals. Approval of an erosion and sediment control plan prior to commencing construction, and compliance with post-construction stormwater design guidelines—including a stormwater control plan—required for projects that result in ground disturbance of an area greater than 5,000 square feet.

### Actions by Other Agencies

- **Bay Area Air Quality Management District (BAAQMD).** Issuance of permits for installation and operation of the emergency generator and boilers.

## EVALUATION OF ENVIRONMENTAL EFFECTS

This Community Plan Exemption (CPE) Checklist examines the potential environmental impacts that would result from implementation of the proposed project, and indicates whether such impacts are addressed in the Programmatic Environmental Impact Report for the Market and Octavia Area Plan (Market and Octavia PEIR).<sup>1</sup> The CPE Checklist indicates whether the proposed project would result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or offsite effects in the Market and Octavia PEIR; or (3) are previously identified significant effects, which as a result of substantial new information that was not known at the time that the Market and Octavia PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR. Such impacts, if any, will be evaluated in a project-specific Mitigated Negative Declaration or Environmental Impact Report. If no such topics are identified, the proposed project is exempt from further environmental review in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

Mitigation measures identified in the PEIR are discussed under each topic area, and measures that are applicable to the proposed project are provided under Mitigation and Improvement Measures section at the end of this checklist.

The Market and Octavia PEIR identified significant impacts related to archaeology, transportation, air quality, wind, shadow, geology, and hazardous materials. Mitigation measures were identified for the above impacts and reduced all impacts to less than significant, with the exception of those related to transportation (project- and program-level as well as cumulative traffic impacts at nine intersections; project-level and cumulative transit impacts on the 21 Hayes Muni line), and shadow impacts on two open spaces (War Memorial and United Nations Plaza).

The proposed project would result in demolition of the existing on-site office development and surface parking lots on the project site and construction of a 13-story-over-basement-level, 145-foot-tall (including the up to 25-foot-tall elevator and mechanical penthouse above the 120-foot-tall building roof), approximately 450,577-gsf mixed-use building. The proposed mixed-use building would have 420 dwelling units, three ground-floor hotel guest suites, and approximately 9,000-gsf of ground-floor retail. As discussed below in this CPE Checklist, the proposed project would not result in new, significant environmental effects, or effects of greater severity than were already analyzed and disclosed in the Market and Octavia PEIR.

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<sup>1</sup> San Francisco Planning Department, 2007. Market and Octavia Area Plan Final Environmental Impact Report, Case No. 2003.0347E, State Clearinghouse No. 2004012118, certified April 5, 2007. This document is available online at [www.sf-planning.org/index.aspx?page=1714](http://www.sf-planning.org/index.aspx?page=1714) or at the Planning Department, 1650 Mission Street, Suite 400.

**Aesthetics and Parking Impacts for Transit Priority Infill Development**

Public Resources Code Section 21099(d), effective January 1, 2014, provides that “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above criteria; therefore, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.<sup>2</sup>

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>1. LAND USE AND LAND USE PLANNING—</b>				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial impact upon the existing character of the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that adoption of the Area Plan would not result in a significant adverse impact on land use or land use planning. Furthermore, as determined by the Citywide and Current Planning divisions of the Planning Department, the proposed project is permitted in the zoning district in which the project site is located, and is consistent with the bulk, density, and land uses as envisioned in the Area Plan, described below.<sup>3,4</sup>

Prior to the Area Plan, the project site’s Use District was C-3-G (Downtown General Commercial District) within the 120-X Height and Bulk District. The Area Plan designates the project site land use district as DTR (Downtown Residential Transit) with a height limit ranging from 96 to 120 feet. Since the adoption of the Area Plan PEIR, the project site has not been rezoned and is currently located in a C-3-G Use District and 120-R-2

<sup>2</sup> San Francisco Planning Department, 2014. Transit-Oriented Infill Project Eligibility Checklist for 150 Van Ness Street. December 5. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

<sup>3</sup> San Francisco Planning Department, 2014. Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis for 150 Van Ness Avenue, from Adam Varat. February 2, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

<sup>4</sup> San Francisco Planning Department, 2014. Community Plan Exemption Eligibility Determination Current Planning Division for 150 Van Ness Avenue, from Jeff Joslin. February 2, 2015. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

Height and Bulk District. The site is also in the Van Ness and Market Downtown Residential Special Use District, which encourages the development of a transit-oriented, high-density, mixed-use neighborhood around the intersection of Van Ness Avenue and Market Street, adjacent to downtown. The Area Plan allows for intensive commercial uses and residential towers clustered around the intersection of Market Street and Van Ness Avenue.

The proposed project would result in demolition of the existing on-site office development (150 Van Ness Avenue and the 155 Hayes Street building addition to 150 Van Ness Avenue) and surface parking lots on the project site and construction of a 13-story-over-basement-level, 145-foot-tall (including the up to 25-foot-tall elevator and mechanical penthouse above the 120-foot-tall building roof), approximately 450,577-gsf mixed-use building. The proposed mixed-use building would have 420 dwelling units, three ground-floor hotel guest suites, and approximately 9,000-gsf of ground-floor retail. As described above, the proposed project is consistent with the Area Plan zoning and intent, and implementation of the proposed project would not result in significant impacts which were not identified in the PEIR related to land use and land use planning, and no mitigation measures are necessary.

Topics:	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>2. POPULATION AND HOUSING—</b>				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A goal of the Area Plan is to implement citywide policies to increase the housing supply at higher densities in neighborhoods having sufficient transit facilities, neighborhood-oriented uses, and in-fill development sites. The Area Plan PEIR anticipates an increase of 7,620 residents in the Plan Area by the year 2025. The Market and Octavia PEIR determined that although the additional development that would result from adoption of the Area Plan would generate household growth, this anticipated growth would not result in significant adverse physical effects on the environment. No mitigation measures were identified in the PEIR.

The proposed project would require the demolition of the existing on-site office building (150 Van Ness Avenue and the 155 Hayes Street building addition to 150 Van Ness Avenue) and surface parking lots, which provide approximately 149,049 square feet of office space (including lobby, loading, and other support areas) and approximately 99 parking spaces exist on-site. The proposed project would construct 420 dwelling units, three ground-floor hotel guest suites, and 9,000-gsf of ground-floor retail space. The project would result in a net increase in housing and net decrease in jobs on the project site as follows: an increase of 375,808-gsf of residential use (420 residential units), an increase of 1,220-gsf of hotel use (three

hotel guest suites), an increase of 9,000-gsf of retail use, and a decrease of 140,049 square feet of office use. These direct effects of the proposed project on population and housing are within the scope of the population growth anticipated under the Market and Octavia Area Plan and evaluated in the Market and Octavia PEIR.

For the reasons described above, the proposed project would not result in significant project-specific or cumulative impacts on population and housing that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>3. CULTURAL RESOURCES</b> —Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Historic Architectural Resources**

The Market and Octavia PEIR noted that although development would be allowed in the Plan Area, the implementation of urban design guidelines and other rules, such as evaluation under CEQA, would reduce the overall impact on historic architectural resources to a less-than-significant level. No mitigation measures were identified.

Under CEQA, evaluation of the potential for proposed projects to impact historical resources is a two-step process: the first is to determine whether the property is an historical resource as defined in Section 15064.5(a)(3) of CEQA; and, if it is determined to be an historical resource, the second is to evaluate whether the action or project proposed would cause a substantial adverse change.

The proposed project would consist of the demolition of the existing office building (150 Van Ness Avenue and the 155 Hayes Street building addition to 150 Van Ness Avenue) and surface parking lots on the project site. Based on the Historic Resource Evaluation completed for the proposed project, the existing building and addition have been determined not to be historic resources under CEQA.<sup>5</sup> The 150 Van Ness Avenue building (constructed in 1925, façade renovation in 1969) and the 155 Hayes Street building addition (constructed in 1958) do not appear individually eligible for inclusion in the California

<sup>5</sup> Architecture + History, LLC, 2014. Historic Resource Evaluation 150 Van Ness Avenue, San Francisco, CA. Prepared for Van Ness Hayes Associates, LLC. July 25 . This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

Register of Historical Resources and do not appear eligible for listing as a functionality-related complex of buildings under any criterion.<sup>6</sup>

Planning Department staff concurred with the findings of the Historic Resource Evaluation Report that the proposed project would have no significant adverse impact to historic resources. While the proposed project is located near the Civic Center Historic District, the existing office building (150 Van Ness Avenue main building and 155 Van Ness Avenue building addition) do not contribute to the district, nor do they contribute to any discontinuous district associated with the Van Ness Auto Row. The construction of the new building would be outside the Civic Center Historic District boundaries and the proposed project does not have the potential to materially alter either of the two closest District contributors, Exposition Auditorium and High School of Commerce (Landmark No. 140). While the proposed project would be located in close proximity to these known historic buildings, there would be no direct impact to the character-defining features, or the elements or design that are noteworthy in the Civic Center Historic District. As the proposed project would not result in a significant impact to historic resources, it is not anticipated to contribute to any potential cumulative impact to historic resources.<sup>7</sup>

The project sponsor has agreed to implement Improvement Measure HR-1– Salvage listed in the Improvement and Mitigation Measures section below, which would identify building fabric and decorative details within the vestibule and lobby that may be salvaged.

Therefore, the proposed project would not contribute to the significant project-specific or cumulative historic resource impacts identified in the Market and Octavia PEIR, and no historic resource mitigation measures would apply to the proposed project.

## Archaeological Resources

The Market and Octavia PEIR determined that implementation of the Area Plan could result in significant impacts on archaeological resources, and identified four mitigation measures that would reduce these potential impacts to a less-than-significant level (Mitigation Measures C1 through C4). Mitigation Measure C1 – Soil-Disturbing Activities in Archaeologically Documented Properties<sup>8</sup> applies to properties that have a final Archeological Resource Design/Treatment Plan (ARDTP) on file; it requires that an addendum to the ARDTP be completed. Mitigation Measure C2 – General Soils-Disturbing Activities<sup>9</sup> was determined to be applicable for any project involving any soils-disturbing activities beyond a depth of 4 feet and located in those areas proposed in the Area Plan for which no archaeological assessment report has been prepared. Mitigation Measure C2 requires that a Preliminary Archaeological Sensitivity Study (PASS) be prepared by a qualified consultant or that a Preliminary Archaeological Review (PAR) be conducted by Planning Department staff. Mitigation Measure C3 – Soil-Disturbing Activities in Public Street and Open Space Improvements<sup>10</sup> applies to improvements to public streets and open spaces if those improvements disturb soils beyond a depth of 4 feet; it requires an Archeological Monitoring Program. Mitigation Measure C4 – Soil-Disturbing Activities in the Mission Dolores

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<sup>6</sup> San Francisco Planning Department, 2014. Historic Resources Evaluation Response for 150 Van Ness Avenue. September 22. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

<sup>7</sup> Ibid.

<sup>8</sup> Throughout this CPE, mitigation measures from the Market and Octavia PEIR are numbered based on the adopted Mitigation Monitoring and Reporting Program for the project; mitigation numbers from the PEIR are also provided for reference. Mitigation Measure C1 is Mitigation Measure 5.6.A1 in the PEIR.

<sup>9</sup> Mitigation Measure C2 is Mitigation Measure 5.6.A2 in the PEIR.

<sup>10</sup> Mitigation Measure C3 is Mitigation Measure 5.6.A3 in the PEIR.

Archaeological District<sup>11</sup> applies to projects in the Mission Dolores Archeological District that result in substantial soils disturbance; it requires an Archaeological Testing Program, as well as an Archaeological Monitoring Program and Archaeological Data Recovery Program, if appropriate.

The PEIR anticipated that development at the project site would have the potential to disturb archaeological deposits, and that Market and Octavia PEIR Mitigation Measure C2 would apply to the proposed project. Based on a review of San Francisco Planning Department records, no previous archaeological investigations have occurred in the project site. However, pursuant to Market and Octavia PEIR Mitigation Measure C2, a PAR was conducted by Planning Department staff for the proposed project. Based on the PAR, it has been determined that the Planning Department's third standard archaeological mitigation measure (testing) would apply to the proposed project.<sup>12</sup> Although no archaeological resources have been previously identified within the project area, the project site may harbor previously undiscovered CRHR-eligible prehistoric and/or historic-era archaeological resources. Because the proposed project would require approximately 46,490 cubic yards of soil excavation (including soil removal) up to a depth of 26 feet, project ground-disturbing activities and soil amendments would have the potential to affect previously undocumented CRHR-eligible resources, were they to be present below the project site. Therefore, implementation of Mitigation Measure 1 – Archaeological Testing (Market and Octavia PEIR Mitigation Measure C2), listed in the Mitigation Measures section below, would reduce potential significant impacts of the proposed project to archaeological resources to a less-than-significant level. For these reasons, the proposed project would not result in significant project-specific or cumulative impacts on archaeological resources that were not identified in the Market and Octavia PEIR.

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<sup>11</sup> Mitigation Measure C4 is Mitigation Measure 5.6.A4 in the PEIR.

<sup>12</sup> Email from Randall Dean, San Francisco Planning Department, to Sandy Ngan, November 13, 2014, "Preliminary Archeological Review completions." This email is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>4. TRANSPORTATION AND CIRCULATION—</b> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR anticipated that growth resulting from the Market and Octavia Area Plan’s zoning changes would not result in significant impacts related to pedestrians, bicyclists, loading, emergency access, or construction.

The Market and Octavia PEIR identified several significant traffic impacts at seven intersections, and one transit impact. In the vicinity of the proposed project, the Market and Octavia PEIR identified cumulatively considerable impacts at the intersections of Mission Street/Otis Street/South Van Ness Avenue (southeast of the project site), and at Hayes Street/Van Ness Avenue (immediately northeast of the project site).<sup>13</sup> The Market and Octavia PEIR identified a significant and unavoidable cumulative transit delay impact to the 21 Hayes route in the weekday PM peak hour. This impact was a result of the increased vehicle delay along Hayes Street from Van Ness Avenue to Gough Street due to the proposed reconfiguration of Hayes Street included in the Plan.

The PEIR identified eight transportation mitigation measures—involving plan-level traffic management strategies; intersection and roadway improvements; and transit improvements— to be implemented by the Planning Department, the DPW, and the SFMTA. The PEIR did not identify project-level transportation mitigation measures to be implemented by project sponsors for future development under the Market and Octavia Area Plan. The PEIR determined that, even with implementation of the identified plan-level mitigation measures, the significant adverse effects at seven intersections and the

<sup>13</sup> The Market and Octavia PEIR identified Market Street/Van Ness Avenue as an intersection that would operate unsatisfactorily in the future; however, the Market and Octavia Area Plan would not contribute a substantial number of vehicles to this intersection, and its impact was considered less than significant.

cumulative impacts on certain transit lines resulting from delays at several Hayes Street intersections could not be fully mitigated. These impacts were found to be significant and unavoidable.

The following section summarizes the findings of the Transportation Impact Study prepared for the proposed project.<sup>14</sup> Because the proposed project is within the development projected under the Market and Octavia Area Plan, there would be no additional impacts on pedestrians, bicyclists, loading, emergency access, or construction, beyond those analyzed in the PEIR. Although the proposed project would not result in any new significant traffic, bicycle, or pedestrian impacts, the project sponsor has agreed to implement the improvement measures, listed in the Improvement Measures section below (Pages 71-74), which would further reduce these less-than-significant impacts.

### **Trip Generation**

Trip generation of the proposed project was calculated using information in the *2002 Transportation Impacts Analysis Guidelines for Environmental Review* (Transportation Guidelines), developed by the San Francisco Planning Department.<sup>15</sup> The proposed project would generate an estimated 5,404 person trips (inbound and outbound) on a weekday daily basis, consisting of an estimated 1,973 person trips by auto<sup>16</sup>, 2,014 transit trips, 1,262 walk trips, and 155 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 250 vehicle trips.<sup>17</sup>

### **Traffic**

Vehicle trips associated with the proposed project would travel through the intersections surrounding the project block. Intersection operating conditions are characterized by Level of Service (LOS), which ranges from A to F, and provides a description of an intersection's performance based on traffic volumes, intersection capacity, and vehicle delays. LOS A represents free flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco. The intersections near the project site include: (1) Van Ness Avenue/Grove Street; (2) Van Ness Avenue/Hayes Street; (3) Van Ness Avenue/Fell Street; (4) Van Ness Avenue/Market Street/South Van Ness Avenue; (5) South Van Ness Avenue/Mission Street/Otis Street/12th Street; (6) Mission Street/Duboce Avenue/Otis Street/13th Street/Central Freeway; (7) Franklin Street/Hayes Street; (8) Polk Street/Hayes Street; and (9) Ninth Street/Market Street/Larkin Street/ Hayes Street. Table 3 provides existing and cumulative LOS data gathered for these intersections per the proposed project transportation study and the Market and Octavia PEIR.

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<sup>14</sup> AECOM, 2014. 150 Van Ness Avenue Transportation Impact Study, December 3. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

Andrea Contreras, 2015. File 2013.0973 – 150 Van Ness Avenue – Revised Project Description and Project Construction Schedule. February 10. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

<sup>15</sup> Ibid.

<sup>16</sup> The daily and p.m. peak hour person trips from the hotel guest suites, described in the Note to File, have been included in the total for daily person trips by auto and p.m. peak hour vehicle trips.

<sup>17</sup> Ibid.

**Table 3**  
**Weekday PM Peak Hour Level of Service**

Intersection	Existing LOS (2014)	Cumulative LOS (2025)
1. Van Ness Avenue/Grove Street	B	E
2. Van Ness Avenue/Hayes Street	D	F
3. Van Ness Avenue/Fell Street	C	D
4. Van Ness Avenue/Market Street/ South Van Ness Avenue	C	E
5. South Van Ness Avenue/Mission Street/Otis Street/12 <sup>th</sup> Street	D	F
6. Mission Street/Duboce Avenue/Otis Street/13 <sup>th</sup> Street/Central Freeway	C	E
7. Franklin Street/Hayes Street	C	F
8. Polk Street/Hayes Street	B	C
9. Ninth Street/Market Street/Larkin Street/ Hayes Street	C	E
Notes: Existing LOS is based on traffic counts collected in 2012 and 2014. Cumulative LOS is based on traffic counts collected in 2004 for the Market and Octavia PEIR, certified in 2008. Source: Market and Octavia PEIR, 2007. AECOM, 2014.		

The proposed project would generate an estimated 250 new p.m. peak hour vehicle trips (148 inbound and 102 outbound trips) that could travel through surrounding intersections. This amount of new p.m. peak hour vehicle trips would not substantially increase traffic volumes at these or other nearby intersections, would not substantially increase average delay that would cause intersections that currently operate at acceptable LOS to deteriorate to unacceptable LOS, and would not substantially increase average delay at intersections that currently operate at unacceptable LOS. Under 2025 cumulative conditions, the proposed project would contribute approximately 2.6 percent to the total intersection volume at the Van Ness Avenue/Hayes Street, 1.4 percent to the total intersection volume at South Van Ness Avenue/Mission Street/Otis Street/12<sup>th</sup> Street, and 0.3 percent to the total intersection volume at Franklin Street/Hayes Street.<sup>18</sup> The Van Ness Avenue/Grove Street and Polk Street/Hayes Street intersections were not analyzed in the Market and Octavia Area Plan PEIR, but are expected to contribute approximately 3.6 percent and 4.7 percent to intersection volumes under 2025 cumulative

<sup>18</sup> AECOM, 2014. 150 Van Ness Avenue Transportation Impact Study, December 3. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

Andrea Contreras, 2015. File 2013.0973 – 150 Van Ness Avenue – Revised Project Description and Project Construction Schedule. February 10. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

conditions, respectively. These contributions are not anticipated to contribute considerably to 2025 cumulative conditions.<sup>19</sup>

The proposed project would not contribute considerably to LOS delay conditions under existing conditions as its contribution of an estimated 250 new p.m. peak-hour vehicle trips would not be a substantial proportion of the overall traffic volume or the new vehicle trips generated overall by Market and Octavia Plan projects. The proposed project would also not contribute considerably to 2025 cumulative conditions and thus, the proposed project would not have any significant cumulative traffic impacts.

Although the proposed project is not expected to result in any new significant traffic impacts, there are a number of measures that could be implemented to further reduce the less-than-significant impact of traffic in the project area and further reduce the less-than-significant impacts related to potential vehicular and pedestrian conflicts in the project vicinity. The project sponsor has agreed to implement Improvement Measure 2 – Pedestrian Countdown Timers; Improvement Measure 3 – Audible and Visible Warning Devices; Improvement Measure 4 – Loading Coordination; and Improvement Measure 5 – Loading Accommodation and Restrictions, listed in the Improvement Measures section below, which would further reduce these less-than-significant traffic impacts.

In addition, the project is not proposing new curb cuts on Van Ness Avenue and Polk Street. The proposed project ingress/egress would serve the below grade parking garage in the adjacent 100 Van Ness Avenue building and enable the existing curb cut along 100 Van Ness Avenue building to be removed. In terms of circulation, vehicles would enter and leave the garage via the left lanes of Hayes Street and this would not conflict with the 21 Hayes Muni route, which operates primarily in the right lanes.

For the above reasons, the proposed project would not result in significant project-specific or cumulative impacts on traffic that were not identified in the Market and Octavia PEIR.

## Transit

The project site is within a quarter mile of several local transit lines, including Muni Metro lines J, K, L, M, N, and T; streetcar line F, as well as Muni bus lines N Owl, 5/5L, 6, 9/9L, 14/14L, 16X, 19, 21, 47, and 49. The proposed project would be expected to generate 2,015 daily transit trips, including 346 during the p.m. peak hour. Given the wide availability of nearby transit, the addition of 346 p.m. peak-hour transit trips would be accommodated by existing capacity. Therefore, the proposed project would not result in unacceptable levels of transit service or cause an increase in transit delays or operating costs such that significant adverse impacts to transit service could result.

As described above, the Market and Octavia PEIR identified significant and unavoidable cumulative transit delay impacts to the 21 Hayes Muni route. The proposed project would not contribute considerably to these conditions as its contribution of 346 p.m. peak hour transit trips would not be a substantial proportion of the overall additional transit volume generated by projects under the Market and Octavia Area Plan. The proposed project would also not contribute considerably to 2025 significant cumulative transit impacts. The 9,000 square feet of ground-floor retail use proposed by the project sponsor would be subject to the City of San Francisco's Transit Impact Development Fee (TIDF).

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<sup>19</sup> Ibid.

For the above reasons, the proposed project would not result in significant project-specific impacts related to transit that were not identified in the Market and Octavia PEIR and would not contribute considerably to cumulative transit impacts that were identified in the Market and Octavia PEIR.

## Parking

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining whether a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the three criteria discussed on page 37; therefore, this determination does not consider the adequacy of parking in determining the significance of project impacts under CEQA.<sup>20</sup> The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this determination presents a parking demand analysis for informational purposes only.

The proposed project would remove the existing on-site surface lots that provide 99 parking spaces (currently used for construction staging for the 100 Van Ness Avenue project) and would construct a basement-level parking garage (accessible from Hayes Street) for the proposed mixed-use building for 216 vehicle parking spaces (210 residential spaces, two service spaces, and four car share spaces). 201 of the 216 parking spaces would be provided through mechanical parking (stackers) and the remaining spaces would be provided as standard stalls.

The parking demand for the new residential and retail uses associated with the proposed project was determined based on the methodology presented in the Transportation Guidelines. On an average weekday, the peak evening demand for parking would be for 548 spaces. The proposed project would provide 224 off-street spaces. Therefore, as proposed, the project would have an unmet peak evening parking demand of an estimated 324 spaces. At this location, the unmet parking demand could be accommodated in existing on-street and off-street parking spaces within a reasonable distance from the project vicinity. Currently, six public off-street parking facilities within walking distance of the project site current operate at within 72 percent occupancy during the weekday midday period and 73 percent occupancy during the weekday evening period. When aggregated together, these facilities have the capacity to accommodate approximately 411 vehicles during the weekday midday period and 385 spaces during the weekday evening period, which would fully accommodate the expected shortfall in parking supply at the project site.<sup>21</sup> Additionally, the project site is well served by public transit and bicycle

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<sup>20</sup> San Francisco Planning Department, 2014. Transit-Oriented Infill Project Eligibility Checklist for 150 Van Ness Street. December 5. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

<sup>21</sup> AECOM, 2014. 150 Van Ness Avenue Transportation Impact Study, December 3. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

facilities. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity in such a way that hazardous conditions or significant traffic delays would be created.

The Market and Octavia PEIR identified two improvements measures to reduce parking demand with the implementation of the Market and Octavia Plan. The first included coordinating with car-sharing providers to promote the use of car-sharing, and designating a certain portion of new parking spaces for car-share spaces. The second improvement measure considered a reduced vehicle ownership scenario, entailing a combination of improvements to transit, pedestrian, and bicycle circulation and access in the Market and Octavia Plan Area; this, combined with reduced off-street parking spaces, would likely reduce the number of vehicles per household, and the overall parking demand for projects in the Plan Area. The proposed project would implement both of these improvement measures through the provision of a car-sharing space in the building garage, and by providing parking consistent with the Planning Code (0.50 parking spaces per residential unit is proposed by the project, consistent with up to with up to 0.5 spaces per residential unit permitted by the Planning Code and in the Van Ness and Market Downtown Residential Special Use District [SUD]). In addition, the project sponsor has agreed to implement Improvement Measure 6 –Transportation Demand Management; Improvement Measure 7 – Passenger Loading Zone; and Improvement Measure 8 – Queue Abatement, listed in the Improvement and Mitigation Measures section below, which would minimize parking demand and reduce queuing of vehicles entering the garage along Hayes Street.

Further, the project site is located in a C-3-G zoning district and SUD where under Section 151.1 of the Planning Code, the proposed project would not be required to provide any off-street parking spaces. It should be noted that the Planning Commission has the discretion to adjust the number of on-site parking spaces included in the proposed project, typically at the time that the project entitlements are sought. The Planning Commission may not support the parking ratio proposed. In some cases, particularly when the proposed project is in a transit rich area, the Planning Commission may not support the provision of any off-street parking spaces. This is, in part, owing to the fact that the parking spaces are not ‘bundled’ with the residential units. In other words, residents would have the option to rent or purchase a parking space, but one would not be automatically provided with the residential unit.

If the project were ultimately approved with no off-street parking spaces, the proposed project would have an unmet demand of 548 spaces. As mentioned above, the unmet parking demand could be accommodated within existing on-street and off-street parking spaces nearby and through alternative modes such as public transit and bicycle facilities. Given that the unmet demand could be met by existing facilities and given that the proposed project site is well-served by transit and bicycle facilities, a reduction in the number of off-street parking spaces associated with the proposed project, even if no off-street spaces are provided, would not result in significant delays or hazardous conditions

Parking conditions are not static, because parking supply and demand varies from day to day, from day to night, from month to month, etc. The availability of parking spaces (or lack thereof) is therefore not a permanent physical condition, but changes over time as people change their modes and patterns of travel. Although parking conditions change over time, a substantial shortfall in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles, or pedestrians could adversely affect the physical environment. Whether a shortfall in parking creates such conditions

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Andrea Contreras, 2015. File 2013.0973 – 150 Van Ness Avenue – Revised Project Description and Project Construction Schedule. February 10. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial shortfall in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts caused by congestion), depending on the project and its setting.

The absence of a ready supply of parking spaces, combined with available alternatives to automobile travel (e.g., transit service, taxis, bicycles, or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking), would be in keeping with the City's "Transit First" policy and numerous San Francisco General Plan Polices, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115, provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site, and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips by others who are aware of constrained parking conditions in a given area, and therefore choose to reach their destination by other modes (i.e., walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis—as well as in the associated air quality, noise, and pedestrian safety analyses—would reasonably address potential secondary effects.

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<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>5. NOISE</b> —Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Be substantially affected by existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Construction Impacts**

The Market and Octavia PEIR noted that the background noise levels in San Francisco are elevated primarily due to traffic noise, and that some streets have higher background sound levels, such as Market Street. The PEIR identified an increase in the ambient sound levels during construction, dependent on the types of construction activities and construction schedules, and noise from increased traffic associated with construction truck trips along access routes to development sites. The PEIR determined that compliance with the San Francisco Noise Ordinance (Noise Ordinance) governed by Article 29 of the San Francisco Police Code would reduce construction impacts to less-than-significant levels. No mitigation measures related to noise from construction were identified in the Market and Octavia PEIR.

All construction activities for the proposed project (approximately 24 months) would be subject to and would comply with the Noise Ordinance. The Noise Ordinance requires that construction work be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 A-weighted decibels (dBA) at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of DPW or the Director of DBI to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction project during the normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise

Ordinance during all other hours. Although pile-driving is not proposed, the proposed installation of drilled displacement columns and soil-cement mixing columns at the project site could result in increased noise temporarily. During the construction period for the proposed project of approximately 24 months, occupants of the nearby properties could be disturbed by construction noise. There may be times when noise could interfere with indoor activities in nearby residences and other businesses near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project, because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the Noise Ordinance.

For the above reasons, implementation of the proposed project would not result in significant project-specific or cumulative construction impacts related to noise and vibration that were not identified in the PEIR, and no mitigation measures are necessary.

### Operational Impacts

The PEIR noted that Area Plan related land use changes would have the potential for creating secondary noise impacts associated with projects' fixed heating, ventilating or air-conditioning (HVAC) equipment and other localized noise-generating activities. The PEIR determined that existing ambient noise conditions in the Plan Area would generally mask noise from new on-site equipment. Therefore, the increase in noise levels from operation of equipment would be less than significant. The PEIR also determined that all new development in the Plan Area would comply with Title 24 of the California Code of Regulations (CCR), and with the Land Use Compatibility Guidelines for Community Noise of the General Plan,<sup>22</sup> which would prevent significant impacts to sensitive receptors during project operations.

Existing ambient noise in the vicinity of the project site was assessed in the noise study completed for the proposed project.<sup>23</sup> The noise environment at the project site is predominantly affected by vehicular traffic along Van Ness Avenue, Hayes Street, and Polk Street. Also, Van Ness Avenue serves as a route for many bus lines. Noise measurements were conducted at the project site between March 6, 2014, and March 10, 2014, to quantify the existing noise environment. The noise monitoring survey included three long-term noise measurements on Van Ness Avenue, Polk Street, and Hayes Street and two measurements on the roof of the existing on-site office building. In the vicinity of the project site, the measured outdoor ambient day-night sound level (DNL or  $L_{dn}$ ) was 78 decibels (dB) along Hayes Street, 75 dB along Van Ness Avenue, 75 dB along Polk Street, 72 dB on the roof along Van Ness Avenue, and 72 dB on the roof along Hayes Street.

Ambient noise levels in San Francisco are largely influenced by traffic. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels perceptible to most people (3-dB increase). As described in Section 4, Transportation, the proposed project would generate 250 vehicle-trips during the p.m. peak-hour. Given existing traffic volumes in the project vicinity, the 250 vehicle-trips during the p.m. peak-hour are not anticipated to double the traffic volumes on any given street in the project area. Therefore, the proposed project would not result in a perceptible noise increase from project-related traffic in the project area. The proposed project would result in less-

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<sup>22</sup> San Francisco Planning Department, 2004. San Francisco General Plan, Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise. Last amended December. Available online at: [www.sf-planning.org/ftp/general\\_plan/16\\_Environmental\\_Protection.htm](http://www.sf-planning.org/ftp/general_plan/16_Environmental_Protection.htm).

<sup>23</sup> Charles M. Salter Associates, Inc., 2014. 150 Van Ness Apartments, Preliminary Environmental Noise Study CSA Project Number: 14-0141. March 26. Prepared for Emerald Fund. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

than-significant noise impacts from project-related traffic and the proposed project would not contribute to a considerable increment or to any cumulative noise impacts related to traffic.

The proposed project would include new HVAC equipment on the roof. Given the site's proximity to residential uses, residents at the adjacent 100 Van Ness Avenue would experience new noise exposure from the proposed HVAC equipment. However, the proposed project's HVAC equipment would be located on the roof behind screens with appropriate acoustical treatment. In addition, the sound transmission class (STC) ratings of the windows at the 100 Van Ness Avenue building would insulate it from noise generated by new HVAC equipment in adjacent buildings.<sup>24</sup>

In addition, based on required implementation of the noise study recommendations at the project site, such as sound rated windows with specific sound transmission class (STC) ratings for the commercial and residential spaces, the proposed project would attain acceptable interior noise levels.<sup>25</sup> In addition, the proposed interior courtyards (on the ground floor and Level 2) would be shielded from traffic noise because they would be surrounded by buildings. The pool terrace would be located 19 feet above the street and behind a 20-foot wall to reduce ambient and project-related operational noise. The roof terrace would be located 120 feet above the street and would be surrounded by a windscreen that would reduce ambient and project-related operational noise. During the review of the building permit, DBI would check project plans for compliance with applicable noise standards. Compliance with applicable noise standards would ensure that project-related impacts from exposure of building residents to ambient noise and project-related operational noise would result in less-than-significant impacts.

The proposed project would include mechanical equipment (emergency generator, four boilers, and one fire pump) that could produce operational noise. The new emergency generator and boilers on the roof would be screened with the appropriate acoustical treatment. The fire pump would be located in the basement garage in its designated room and be acoustically isolated. Mechanical equipment operations would also be subject to the San Francisco Noise Ordinance. The proposed project would comply with the Noise Ordinance by including acoustical sound attenuating improvements for the mechanical equipment to achieve an interior day-night equivalent sound level of 45 dBa. Compliance with the Noise Ordinance would minimize noise from the project's building operations. Therefore, noise impacts related to proposed project's operation would be less-than-significant. The proposed building would also not contribute to a considerable increment or to any cumulative noise impacts related to noise from mechanical equipment.

The project site is not in an airport land use plan area, within 2 miles of a public airport, or in the vicinity of a private airstrip. Therefore, Checklist questions e and f above are not applicable.

For the above reasons, implementation of the proposed project would not result in significant project-specific or cumulative impacts related to noise and vibration that were not identified in the PEIR, and no mitigation measures are necessary.

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<sup>24</sup> Email from Marc Babsin, February 27, 2015. "Re: 150 Van Ness – Generator." This email is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2013.0973E.

<sup>25</sup> Charles M. Salter Associates, Inc., 2014. 150 Van Ness Apartments, Preliminary Environmental Noise Study CSA Project Number: 14-0141. March 26. Prepared for Emerald Fund. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>6. AIR QUALITY</b> —Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR identified potentially significant air quality impacts resulting from temporary exposure to elevated levels of fugitive dust and diesel particulate matter (DPM) during construction of development projects under the Area Plan. The Market and Octavia PEIR identified two mitigation measures that would reduce these air quality impacts to less-than-significant levels. Market and Octavia PEIR Mitigation Measure E-1 and E-2 address air quality impacts during construction. All other air quality impacts were found to be less than significant.

**Construction Dust Control**

Market and Octavia PEIR Mitigation Measure E-1 – Construction Mitigation Measure for Particulate Emissions requires individual project involving construction activities to include dust control measures and to maintain and operate construction equipment to minimize exhaust emissions of particulates and other pollutants. The San Francisco Board of Supervisors subsequently approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The intent of the Construction Dust Control Ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by DBI. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities.

For projects over one half-acre, such as the proposed project, the Dust Control Ordinance requires that the project sponsor submit a Dust Control Plan for approval by the San Francisco Department of Public Health. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has a site-specific Dust Control Plan, unless the Director waives the requirement. The site-specific Dust Control Plan would require the project sponsor to implement additional dust control measures such as installation of dust curtains and windbreaks and to provide independent third-party inspections and monitoring, provide a public complaint hotline, and suspend construction during high wind conditions.

The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control

provisions of PEIR Mitigation Measure E-1, the portion of PEIR Mitigation Measure E-1 that addresses dust control and exhaust emissions are no longer applicable to the proposed project.

### Criteria Air Pollutants

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. In general, the San Francisco Bay Area Air Basin (SFBAAB) experiences low concentrations of most pollutants when compared to federal or state standards. The SFBAAB is designated as either in attainment or unclassified for most criteria pollutants with the exception of ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, for which these pollutants are designated as non-attainment for either the state or federal standards. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.

The Bay Area Air Quality Management District (BAAQMD) prepared updated *2011 BAAQMD CEQA Air Quality Guidelines* (Air Quality Guidelines),<sup>26</sup> which provided new methodologies for analyzing air quality impacts. The Air Quality Guidelines also provide thresholds of significance for those criteria air pollutants that the SFBAAB is in non-attainment. These thresholds of significance are utilized by the City.

### Construction

Construction activities from the proposed project would result in the emission of criteria air pollutants from equipment exhaust, construction-related vehicular activity, and construction worker automobile trips. Construction of the proposed project would occur over an approximately 24 months beginning September 2015. Construction-related criteria air pollutants generated by the proposed project were quantified using the California Emissions Estimator Model (CalEEMod)<sup>27</sup> and provided within an air quality memo.<sup>28</sup> The model was developed, including default data (e.g., emission factors, meteorology, etc.) in collaboration with California air districts' staff. Default assumptions were used where project-specific information was unknown. Emissions were converted from tons/year to lbs/day using the estimated construction duration of 522 working days. As shown in Table 4, unmitigated project construction emissions would be below the threshold of significance for ROG, NO<sub>x</sub>, Exhaust PM<sub>10</sub> and Exhaust PM<sub>2.5</sub>.

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<sup>26</sup> Bay Area Air Quality Management District, CEQA Air Quality Guidelines, updated May 2011. See pp. 3-2 through 3-3.

<sup>27</sup> CalEEMod Version: CalEEMod.2013.2.2, 2015. 150 Van Ness Avenue, Modeled February 9. The report generated by the CalEEMod air quality model is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

<sup>28</sup> Sandy Ngan, SF Planning Department, 2015. Air Quality Memorandum – Project File 2013.0973E – 150 Van Ness Avenue Project. February 9. The document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

**Table 4: Daily Project Construction Emissions**

	Pollutant Emissions (Average Pounds per Day)			
	ROG	NO <sub>x</sub>	Exhaust PM <sub>10</sub>	Exhaust PM <sub>2.5</sub>
Unmitigated Project Emissions	14.3	15.8	0.8	0.8
Mitigated Project Emissions	14.3	15.8	0.8	0.8
Significance Threshold	54.0	54.0	82.0	54.0

Emissions over threshold levels are in **bold**.

Source: BAAQMD, 2011; 2015 CalEEMod model run for 150 Van Ness Avenue Project

As shown in Table 4, the proposed project would not exceed the threshold of significance for construction criteria air pollutant emissions. For these reasons, implementation of the proposed project would not result in either project-level or cumulative significant impacts that were not identified in the Market and Octavia PEIR related to contribution to violations of air quality standards or substantial increases in non-attainment criteria air pollutants.

### Operation

The proposed project would generate criteria pollutant emissions associated with vehicle traffic (mobile sources), on-site area sources (i.e., natural gas combustion for space and water heating, and combustion of other fuels by building and grounds maintenance equipment), energy usage, and testing of a backup diesel generator. Operational-related criteria air pollutants generated by the proposed project were also quantified using CalEEMod<sup>29</sup> and provided within an air quality memorandum<sup>30</sup>. Default assumptions were used where project-specific information was unknown.

The daily and annual emissions associated with operation of the proposed project are shown in Table 5. Table 5 also includes the thresholds of significance the City utilizes.

**Table 5: Summary of Operational Criteria Air Pollutant Emissions**

	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Project Average Daily Emissions (lbs/day)	17.5	19.4	1.9	1.9
Significance Threshold (lbs/day)	54	54	82	54
Project Maximum Annual Emissions (tpy)	3.2	3.5	0.3	0.3
Significance Threshold (tpy)	10.0	10.0	10.0	10.0

lbs/day = pounds per day

tpy = tons per year

Source: BAAQMD, 2011; 2015 CalEEMod model run for 150 Van Ness Avenue Project

As shown in Table 5, the proposed project would not exceed the threshold of significance for operational criteria air pollutant emissions. For these reasons, implementation of the proposed project would not result in either project-level or cumulative significant impacts that were not identified in the Market and Octavia PEIR related to contribution to violations of air quality standards or substantial increases in non-attainment criteria air pollutants.

<sup>29</sup> CalEEMod Version: CalEEMod.2013.2.2, 2015. 150 Van Ness Avenue, Modeled February 9. The report generated by the CalEEMod air quality model is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

<sup>30</sup> Sandy Ngan, SF Planning Department, 2015. Air Quality Memorandum – Project File 2013.0973E – 150 Van Ness Avenue Project. February 9. The document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

## Health Risk

Subsequent to certification of the Market & Octavia PEIR, San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014)(Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. The Air Pollutant Exposure Zone as defined in Article 38 are areas that, based on modeling of all known air pollutant sources, exceed health protective standards for cumulative PM<sub>2.5</sub> concentration, cumulative excess cancer risk, and incorporates health vulnerability factors and proximity to freeways. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality. The project site is located within an identified Air Pollutant Exposure Zone.

## Construction

The project site is located within an identified Air Pollutant Exposure Zone; therefore, the ambient health risk to sensitive receptors from air pollutants is considered substantial. The proposed project would require heavy-duty off-road diesel vehicles and equipment during 15 months of the anticipated 24-month construction period. Thus, Project Mitigation Measure 2 – Construction Air Quality has been identified to implement the portions of Market & Octavia PEIR Mitigation Measure E-2 related to emissions exhaust by requiring engines with higher emissions standards on construction equipment. Project Mitigation Measure 2 – Construction Air Quality would reduce DPM exhaust from construction equipment by 89 to 94 percent compared to uncontrolled construction equipment.<sup>31</sup> Therefore, impacts related to construction health risks would be less than significant through implementation of Project Mitigation Measure 2 – Construction Air Quality. The full text of Project Mitigation Measure 2 – Construction Air Quality is provided in the Mitigation Measures Section below.

## Siting Sensitive Land Uses

For sensitive use projects within the Air Pollutant Exposure Zone as defined by Article 38, such as the proposed project, the Ordinance requires that the project sponsor submit an Enhanced Ventilation Proposal for approval by the Department of Public Health (DPH) that achieves protection from PM<sub>2.5</sub> (fine particulate matter) equivalent to that associated with a Minimum Efficiency Reporting Value 13 filtration. DBI will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved Enhanced Ventilation Proposal.

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<sup>31</sup> PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 2 with Tier 1 and 0. Tier 0 off-road engines do not have PM emission standards, but the United States Environmental Protection Agency's *Exhaust and Crankcase Emissions Factors for Nonroad Engine Modeling – Compression Ignition* has estimated Tier 0 engines between 50 hp and 100 hp to have a PM emission factor of 0.72 g/hp-hr and greater than 100 hp to have a PM emission factor of 0.40 g/hp-hr. Therefore, requiring off-road equipment to have at least a Tier 2 engine would result in between a 25 percent and 63 percent reduction in PM emissions, as compared to off-road equipment with Tier 0 or Tier 1 engines. The 25 percent reduction comes from comparing the PM emission standards for off-road engines between 25 hp and 50 hp for Tier 2 (0.45 g/bhp-hr) and Tier 1 (0.60 g/bhp-hr). The 63 percent reduction comes from comparing the PM emission standards for off-road engines above 175 hp for Tier 2 (0.15 g/bhp-hr) and Tier 0 (0.40 g/bhp-hr). In addition to the Tier 2 requirement, ARB Level 3 VDECSs are required and would reduce PM by an additional 85 percent. Therefore, the mitigation measure would result in between an 89 percent (0.0675 g/bhp-hr) and 94 percent (0.0225 g/bhp-hr) reduction in PM emissions, as compared to equipment with Tier 1 (0.60 g/bhp-hr) or Tier 0 engines (0.40 g/bhp-hr).

In compliance Article 38, the project sponsor has submitted an initial application to DPH.<sup>32</sup> The regulations and procedures set forth by Article 38 would ensure that exposure to sensitive receptors would not be significant and impacts related to siting new sensitive land uses would be less than significant through compliance with Article 38.

**Siting New Sources**

The proposed project would not be expected to generate 100 trucks per day or 40 refrigerated trucks per day. However, the proposed project would include a backup diesel generator, which would emit DPM, a TAC<sup>33</sup>. The proposed project would also include the installation of four natural gas boilers. Thus, the proposed generator and boilers would meet higher emission standards and would reduce DPM exhaust from stationary sources by 89 to 94 percent compared to uncontrolled stationary sources. Impacts related to new sources of health risk would be less than significant.

**Conclusion**

For the above reasons, Project Mitigation Measure 2 (implementing Market and Octavia PEIR Mitigation Measure E-2) is applicable to the proposed project and the project would not result in significant air quality impacts that were not identified in the PEIR.

<b>Topics:</b>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>7. GREENHOUSE GAS EMISSIONS</b> —Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The State CEQA Guidelines were amended in 2010 to require an analysis of a project’s greenhouse gas (GHG) emissions on the environment. The Market and Octavia PEIR was certified in 2007, and therefore did not analyze the effects of GHG emissions.

Regulations outlined in San Francisco’s Strategies to Address Greenhouse Gas Emissions have proven effective; San Francisco’s GHG emissions have measurably reduced when compared to 1990 emissions levels, demonstrating that the City has met and exceeded Executive Order S-3-05, Assembly Bill 32, and the Bay Area 2010 Clean Air Plan GHG reduction goals for the year 2020. The proposed project was determined to be consistent with San Francisco’s GHG Reduction Strategy.<sup>34</sup> Other existing regulations, such as those implemented through Assembly Bill 32, will continue to reduce a proposed project’s

<sup>32</sup> Department of Public Health, 2014. RE: Article 38 Enhanced Ventilation System Approval – 150 Van Ness Avenue Project. September 25. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No 2013.0973E.

<sup>33</sup> The proposed generator would meet Tier 2 emission standards and is equipped with a Level 3 verified diesel emissions control strategy equipment.

<sup>34</sup> Marc Babsin, 2015. Compliance Checklist Table for Greenhouse Gas Analysis: Table 1. Private Development Projects. February 2. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2013.0973E.

contribution to climate change. Therefore, the proposed project’s GHG emissions would not conflict with state, regional, and local GHG reduction plans and regulations, and the proposed project’s contribution to GHG emissions would not be cumulatively considerable or generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

For the above reasons, the proposed project would not result in significant project-specific or cumulative impacts to GHGs that were not identified in the Market and Octavia PEIR.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>8. WIND AND SHADOW</b> —Would the project:				
a) Alter wind in a manner that substantially affects public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Wind**

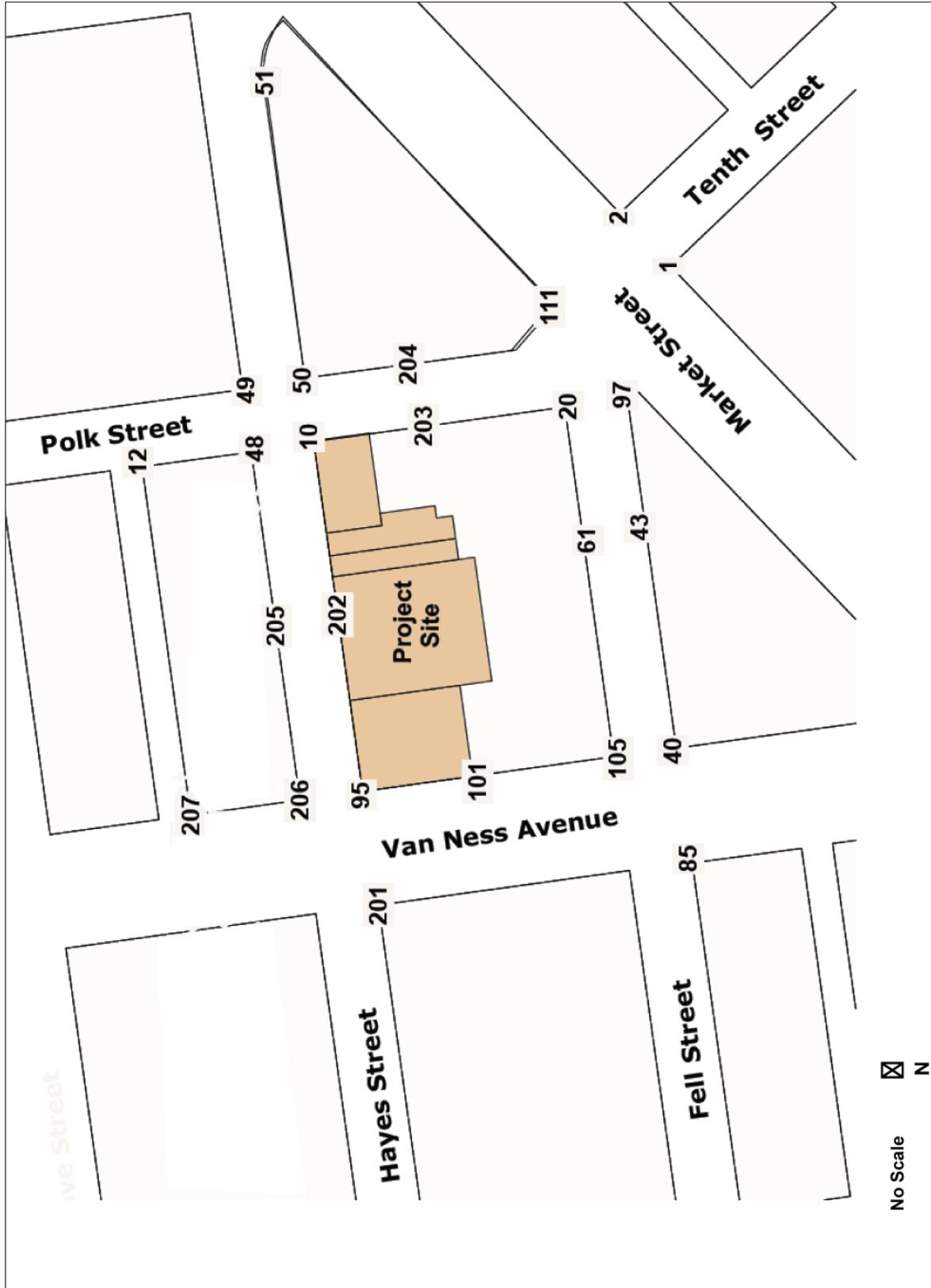
The Market and Octavia PEIR determined that new construction developed under the Area Plan, including new buildings and additions to existing buildings, could result in significant impacts related to ground-level wind hazards. Mitigation Measure B1 – Buildings in Excess of 85 Feet in Height<sup>35</sup> and Mitigation Measure B2 – All New Construction,<sup>36</sup> identified in the PEIR, require individual project sponsors to minimize the effects of new buildings developed under the Area Plan on ground-level wind, through site and building design measures. The Market and Octavia PEIR concluded that implementation of Mitigation Measure B1 and Mitigation Measure B2, in combination with existing San Francisco Planning Code requirements, would reduce both project-level and cumulative wind impacts to a less-than-significant level.

Because of the height and location of the proposed 145-foot-tall building (including the 25-foot-tall elevator and mechanical penthouse above the 120-foot-tall building roof), a wind assessment was prepared by a qualified wind consultant for the proposed project.<sup>37</sup> The objective of the wind assessment was to provide a qualitative evaluation of the potential wind impacts of the proposed development. Figure 23 shows the 25 locations evaluated as part of the wind assessment.

<sup>35</sup> Mitigation Measure B1 is Mitigation Measure 5.5.B1 in the Market and Octavia PEIR.

<sup>36</sup> Mitigation Measure B2 is Mitigation Measure 5.5.B2 in the Market and Octavia PEIR.

<sup>37</sup> Environmental Science Associates, 2014. Potential Planning Code Section 148 Wind Impacts. August 4. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2013.0973E



SOURCES: ESA, DECEMBER 2014

Figure 23: Wind Assessment Test Locations

Note: The wind assessment evaluated a total of 25 locations in the project vicinity. The numbering of the evaluated locations identified in this figure corresponds to and is consistent with the numbering system used in the wind assessment.

NOT TO SCALE

The wind assessment found that the existing wind conditions on adjacent streets in the project vicinity exceed the 11 miles per hour (mph) wind comfort criterion outlined in the San Francisco Planning Code Section 148 more than 10 percent of the time. Under existing conditions, three of the 25 evaluated locations (Location 201, 206, and 207) experience wind speeds that are below the wind comfort criterion and 22 of the 25 evaluated locations currently exceed the wind comfort criterion. At the 25 evaluated locations in the project area, average wind speeds during times of exceedances (over 10 percent of the time) was 16.7 mph.

With the implementation of the proposed project, the proposed project would eliminate the existing wind comfort criterion exceedances at two locations (Location 95 at the southeast corner of Van Ness Avenue/Hayes Street and Location 101 at the southwestern edge of the project site). The number of locations in the project vicinity that would experience exceedances of the comfort criterion would decrease from 22 to 20 locations. Therefore, upon project development, five (up from three) of the 25 locations would meet the wind comfort criterion. Compared to existing conditions, the proposed project would result in an overall 6 percent average wind speed reduction from 16.7 to 15.7 mph, during times of wind speed comfort criterion exceedances.

Under the cumulative project development scenario<sup>38</sup>, the proposed project would add wind comfort criterion exceedances at two new locations (Location 206 at the northeast corner of Van Ness Avenue/Hayes Street and Location 207 at the southern corner of Ivy Street/Van Ness Avenue and Location 207). The number of locations in the project vicinity that would experience exceedances of the comfort criterion would increase from 22 (under existing conditions) to 24 locations total under the cumulative scenario. Therefore, under the cumulative project development scenario, one of the 25 locations (Location 201 at the southwest corner of Van Ness Avenue/Hayes Street) would meet the wind comfort criterion. Compared to existing conditions, the proposed project under the cumulative scenario would result in an overall 3.6 percent average wind speed reduction from 16.7 to 16.1 mph, during times of wind speed comfort criterion exceedances.

The wind assessment also found that the existing wind conditions on adjacent streets in the project vicinity exceed the 26 mph wind hazard criterion for a single full hour of the year, or approximately 0.0114 percent of the time, per the San Francisco Planning Code Section 148. Under existing conditions, 17 of the 25 evaluated locations experience wind speeds that are below the wind hazard criterion. Eight of the 25 evaluated locations exceed the wind hazard criterion for a total of 405 hours a year: four locations (Location 43, 61, 105, and 111) along Fell Street, between Van Ness Avenue and Polk Street; three locations (Location 49, 51, and 205) along Hayes Street between Van Ness Avenue and Market Street; and one location (Location 2) across Market Street at Tenth Street.

With the implementation of the proposed project, the number of locations in the project vicinity that would experience exceedances of the wind hazard criterion would remain the same as under existing conditions. The proposed project would:

- Eliminate two existing locations with wind hazard exceedances (Location 49 at the northeast corner of Hayes Street/Polk Street and Location 205 at the midblock of Hayes Street between Van Ness Avenue and Polk Street);

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<sup>38</sup> Approved and potential projects were included in the 150 Van Ness Project cumulative scenario within the wind assessment. These projects include, but are not limited to: 200 Van Ness Avenue, 1510-1540 Market Street, and the tower addition to the Fox Plaza building complex located across Market Street from the project block.

- Add two new locations with wind hazard exceedances (Location 2 at the southeast corner of Market Street/Tenth Street and Location 10 at the southwest corner of Hayes Street/Polk Street );
- Decrease the duration of four existing wind hazard exceedances by an average 61.2 percent, or 240 hours per year, when compared to existing conditions (Location 1 at the southwest corner of Market Street and Tenth Street, Location 43 at the midblock of Fell Street between Van Ness Avenue and Polk Street, Location 61 at the midblock of Fell street between Van Ness Avenue and Polk Street, and Location 105 at the northeast corner of Fell Street and Van Ness Avenue); and
- Increase the duration of two existing wind hazard exceedances by an average of 25.2 percent, or 102 hours per year, when compared to existing conditions (Location 51 at the southwestern Corner of Hayes Street and Market Street and Location 111 at the northeast corner of Market Street and Tenth Street).

Upon project development, eight of the 25 evaluated locations (Locations 1, 2, 10, 43, 51, 61, 105, and 111 described above) would exceed the pedestrian wind hazard criterion for a total of 265 hours a year (a net reduction of 140 hours compared to existing conditions, which is 405 hours a year). Overall, the locations under existing and proposed project conditions where wind speeds would at certain times exceed the wind hazard criterion are used by pedestrians, but in a transitory fashion. Pedestrians would not tend to linger in these locations due to the lack of seating or the lack of other design elements that encourage resting. The proposed project would, overall, result in a decrease by nearly one-third in the duration of the existing wind hazard exceedances.

Under the cumulative project development scenario, the pedestrian wind hazard criterion would be exceeded at one new location (Location 206 at the northeast corner of Hayes Street/Van Ness Avenue) beyond existing plus project conditions. The pedestrian wind hazard criterion would be exceeded at Location 206 for a total of three hours a year under cumulative plus project conditions in the future.<sup>39</sup> Field observations indicate that pedestrians typically walk through Location 206 in a transitory fashion. Pedestrians would not tend to linger at this location due to the lack of seating and other design elements that encourage resting. Unlike under the cumulative plus project conditions (which includes approved and potential future projects in addition to the proposed project), under just the existing conditions plus project development scenario, Location 206 would experience a decrease in wind speeds with the proposed development. Under existing conditions, the pedestrian wind hazard criterion is exceeded for a total of 405 hours a year. Under the cumulative plus project conditions, the pedestrian wind hazard criterion would be exceeded for a total of 313 hours a year in the future; this would constitute a net reduction of 92 hours a year, compared to under existing conditions. Overall, compared to existing conditions, the cumulative plus project conditions scenario would decrease the duration of existing wind hazard exceedances by nearly 23 percent in the future.

Overall, the proposed project would decrease the duration of existing wind hazard exceedances compared to existing conditions and the proposed project would not increase the overall number of wind hazard exceedance locations. Therefore, the proposed project would not have significant wind

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<sup>39</sup> Environmental Science Associates, 2014. Potential Planning Code Section 148 Wind Impacts. August 4. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2013.0973E

impacts and would not result in project-specific or cumulative significant impacts related to wind that were not identified in the Market and Octavia PEIR.

### Shadow

Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space under the jurisdiction of the San Francisco Recreation and Park Commission between 1 hour after sunrise and 1 hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Private open spaces that are required under the Planning Code as part of an individual development proposal are not subject to Section 295.

The Market and Octavia PEIR analyzed impacts to existing and proposed parks under the jurisdiction of the San Francisco Recreation and Park Commission, as well as the War Memorial Open Space and the United Nations Plaza, which are not under the commission's jurisdiction. The Market and Octavia PEIR found no significant shadow impact on Section 295 open space at the program or project level. For non-Section 295 parks and open space, the PEIR identified potential significant impacts related to new construction buildings over 50 feet tall, and determined that Mitigation Measure A1 – Parks and Open Space not Subject to Section 295<sup>40</sup> would reduce, but may not eliminate, significant shadow impacts on the War Memorial Open Space and United Nations Plaza. Specifically, the PEIR noted that potential new towers at Market Street and Van Ness Avenue could cast new shadows on the United Nations Plaza, and that Mitigation Measure A1 would reduce, but may not eliminate, significant shadow impacts on the United Nations Plaza. The PEIR determined shadow impacts to United Nations Plaza could be significant and unavoidable.

The proposed project would construct a 145-foot-tall building (including a 25-foot-tall elevator and mechanical penthouse above the 120-foot-tall building roof). A shadow study was prepared by a qualified shadow consultant for the proposed project.<sup>41</sup> Based on the shadow study, it was determined that the proposed project would not cast net new shadow on existing nearby parks, including the United Nations Plaza or any new and proposed parks and open spaces developed since the time of the Market and Octavia PEIR (e.g., Patricia's Green). Therefore, Market and Octavia PEIR Mitigation Measure A1 related to the shadow impacts of new construction buildings over 50 feet tall on the United Nations Plaza would not be applicable to the proposed project.

However, at various times during the day, the proposed project would shade portions of nearby streets, sidewalks, and landscaped areas in the project vicinity. The proposed project would add net new shadow to the landscaped area adjacent to the Opera House, near the northwest corner of Van Ness Avenue and Grove Street, for a short duration between 8:46 am and 9:00 am in the early morning around the winter solstice. However, this landscaped area is not meant for active public use. It is meant to be a visual amenity and is not intended for walking or sitting. The proposed project would also add net new shadow to the Van Ness Avenue and Grove Street sidewalks at the same times around the winter solstice, but the

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<sup>40</sup> Mitigation Measure A1 is Mitigation Measure 5.5.A2 in the Market and Octavia PEIR.

<sup>41</sup> Environmental Science Associates, 2014. Shadow Analysis of Proposed 150 Van Ness Avenue Project. December 19. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2013.0973E.

Environmental Science Associates, 2015. 2013.0973E: Addendum to Shadow Analysis of Proposed 150 Van Ness Avenue Project. January 27. This document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of Case File No. 2013.0973E.

net new shadow is not anticipated to result in a substantial adverse effect. Shadows upon streets and sidewalks would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant impact under CEQA. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of landscaped areas and sidewalks as a result of the proposed project would not be considered a significant impact under CEQA.

For the above reasons, the proposed project would not result in significant project-specific or cumulative impacts related to shadow that were not identified in the Market and Octavia PEIR.

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<b>Topics:</b>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>9. RECREATION</b> —Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Physically degrade existing recreational resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR concluded that implementation of the Area Plan would not result in substantial or accelerated deterioration of existing recreational resources or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. No mitigation measures related to recreational resources were identified in the Market and Octavia PEIR.

The proposed project would have 16,368 square feet of common open space for the proposed residential uses, including approximately 5,470 square feet for a pool terrace and 10,898 square feet for a roof terrace. The total includes 864 square feet of open space on the proposed 150 Van Ness building roof for 18 units at the adjacent 100 Van Ness Avenue project. Because the proposed project would not degrade existing recreational facilities, and would be within the development projected under the Market and Octavia Area Plan, there would be no additional impacts on recreation beyond those analyzed in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>10. UTILITIES AND SERVICE SYSTEMS</b> —Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supply available to serve the project from existing entitlements and resources, or require new or expanded water supply resources or entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that the anticipated increase in population would not result in a significant impact to the provision of water, wastewater collection and treatment, and solid waste collection and disposal. No mitigation measures were identified in the PEIR.

Because the proposed project would be within the development projected under the Market and Octavia Area Plan, there would be no additional project-specific or cumulative impacts on utilities and service systems beyond those analyzed in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>11. PUBLIC SERVICES</b> —Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that the anticipated increase in population would not result in a significant impact to public services, including fire protection, police protection, and public schools. No mitigation measures were identified in the PEIR.

Because the proposed project would be within the development projected under the Market and Octavia Area Plan, there would be no additional project-specific or cumulative impacts on public services beyond those analyzed in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>12. BIOLOGICAL RESOURCES</b> —Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As described in the Market and Octavia PEIR, the Market and Octavia Area Plan is in a developed urban environment completely covered by structures, impervious surfaces, and introduced landscaping. No known, threatened, or endangered animal or plant species are known to exist in the project vicinity that could be affected by the development anticipated under the Area Plan. In addition, development envisioned under the Market and Octavia Area Plan would not substantially interfere with the movement of any resident or migratory wildlife species. For these reasons, the PEIR concluded that implementation of the Area Plan would not result in significant impacts on biological resources, and no mitigation measures were identified.

Because the proposed project would not result in significant impacts on biological resources, and would be within the development projected under the Market and Octavia Area Plan, there would be no additional project-specific or cumulative impacts on biological resources beyond those analyzed in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>13. GEOLOGY AND SOILS</b> —Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change substantially the topography or any unique geologic or physical features of the site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR did not identify any significant operational impacts related to geology, soils, and seismicity. Although the PEIR concluded that implementation of the Area Plan would indirectly increase the population that would be subject to an earthquake, including seismically induced ground-shaking, liquefaction, and landslides, the PEIR noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, but would reduce them to an acceptable level, given the seismically active characteristics of the Bay Area.

The Market and Octavia PEIR identified a potential significant impact related to soil erosion during construction. The PEIR found that implementation of Mitigation Measure M-G1 – Construction Related Soils Mitigation Measure,<sup>42</sup> which consists of construction best management practices (BMPs) to prevent

<sup>42</sup> Mitigation Measure G1 is Mitigation Measure 5.11.A in the Market and Octavia PEIR.

erosion and discharge of soil sediments to the storm drain system, would reduce any potential impacts to a less-than-significant level.

Market and Octavia PEIR Mitigation Measure G1, referred to in this CPE Checklist as Mitigation Measure 3, would apply to the proposed project, and would address potential impacts related to soil erosion during project construction. As stated above, this measure would require implementation of construction BMPs to prevent erosion and discharge of soil sediments to the storm drain system, and would reduce any potential impacts to a less-than-significant level. In accordance with the Market and Octavia PEIR requirements, the project sponsor has agreed to implement Mitigation Measure 4 – Construction Related Soils Mitigation Measure, listed in the Improvement and Mitigation Measures section below.

A geotechnical investigation was prepared for the proposed project.<sup>43</sup> The following discussion relies on the information provided in the geotechnical report. The topography of the project site is relatively level at an existing grade elevation of 47 feet above sea level. For the geotechnical investigation, soil borings were excavated at the project site to a maximum depth of approximately 20 feet below the ground surface. Based on the soil analysis of the borings, the project site is generally underlain by undocumented fill and native sandy soil. The fill at the project site consists of primarily very loose to medium dense sand with varying silt content. The fill appears to be four to 15 feet thick and is underlain by medium dense to very dense dune sand. The dune sand extends to depths of 23 to 53 feet below ground surface. The dune sand is generally underlain by the Colma Formation primarily made up of layers of sand, silt, and clay. Groundwater at the project site was measured at depths of 16.4 to 19 feet below the ground surface.

The project site does not lie within an Alquist-Priolo Earthquake Fault Zone as defined by the California Division of Mines and Geology. No known active faults cross the project site. The closest mapped active fault in the vicinity of the project site is the San Andreas Fault, located approximately 11 miles west. However, like the entire San Francisco Bay Area, the project site is subject to strong ground shaking during an earthquake.

The project site is located within a potentially liquefiable area as indicated in the State of California Hazard Zones, City and County of San Francisco Official Map.<sup>44</sup> Based on the project site conditions, a quantitative liquefaction analysis was performed and it was determined that the potential for lateral spreading is very low.

The geotechnical investigation provided recommendations for the proposed project's foundation design, site preparation, and grading, and recommends that the proposed 150 Van Ness Avenue building be supported on a continuous mat foundation. Ground improvements such as drilled displacement columns and soil-cement mixing columns, would be used to improve subsurface soils prior to construction of the foundation, and would extend up to 26 feet below the ground surface. A temporary shoring system of tied-back soldier beams and lagging, and underpinning where proposed excavation extends below the depth for the foundations of the adjacent structures (100 Van Ness Avenue, 50 Fell Street, 1 Polk Street, 55 Polk Street, and 45 Polk Street) and would be appropriate for the proposed project.

The geotechnical investigation concluded that the project would not cause significant geology or soil impacts if recommendations in the geotechnical investigation are implemented. The project sponsor has

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<sup>43</sup> Treadwell & Rollo, 2013. Geotechnical Investigation 150 Van Ness, 155 Hayes Street, 101 Hayes. October 31. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E

<sup>44</sup> State of California Division of Mines and Geology, 2000. Seismic Hazard Zones, City and County of San Francisco Official Map. November 17. <http://www.sfgsa.org/modules/showdocument.aspx?documentid=10438>. Accessed December 19, 2014.

agreed to follow the recommendations of the geotechnical investigation and incorporated them into the final building design, subject to the building review process by DBI.

Additionally, the final building plans would be reviewed by DBI. In reviewing building plans, DBI refers to a variety of information sources to determine existing hazards. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. DBI will review the geotechnical report and building plans for the proposed project to determine the adequacy of the proposed engineering and design features and to ensure compliance with all applicable San Francisco Building Code provisions regarding structural safety. The above-referenced geotechnical investigation report would be available for use by DBI during its review of building permits for the project site. In addition, DBI could require that additional site-specific soil report(s) be prepared in conjunction with permit applications, as needed. The DBI requirement for a geotechnical report and review of the building permit application pursuant to DBI's implementation of the Building Code would ensure that the proposed project would have no significant impacts related to soils or geology.

For these reasons, the proposed project would not result in significant project-specific or cumulative impacts related to geology and soils that were not identified in the Market and Octavia PEIR.

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<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>14. HYDROLOGY AND WATER QUALITY</b> —Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR determined that the anticipated increase in population as a result of implementation of the Area Plan would not result in a significant impact on hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. Groundwater encountered during construction would be required to be discharged in compliance with the City’s Industrial Waste Ordinance (Ordinance Number 199-77), and would meet specified water quality standards. No mitigation measures were identified in the PEIR.

The project site is occupied by an existing office building and four surface parking lots, and is completely covered by impervious surfaces. Overall, runoff and drainage would not be substantially changed with the proposed project. Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or substantially increase the rate or amount of surface runoff in a manner that would result in flooding or in substantial erosion or siltation, nor would it exceed the capacity of existing or planned stormwater drainage systems. Furthermore, the proposed project would be constructed in compliance with all applicable federal, state, and local regulations governing water quality and discharges to surface- and groundwater bodies.

During the geotechnical investigation, groundwater was encountered at a depth of approximately 16.4 to 19 feet on the project site.<sup>45</sup> The proposed project would entail up to 26 feet of subsurface excavation, and therefore it is possible that groundwater would be encountered during excavation. Any groundwater that is encountered during construction would be subject to requirements of the City's Sewer Use Ordinance (Ordinance Number 19-92, amended 116-97), as supplemented by DPW Order No. 158170, requiring a permit from the Wastewater Enterprise Collection System Division of the San Francisco Public Utilities Commission. A permit may be issued only if an effective pretreatment system is maintained and operated. Each permit for such discharge shall contain specified water quality standards and may require the project sponsor to install and maintain meters to measure the volume of the discharge to the combined sewer system. Project-related effects from lowering the water table due to dewatering, if any, would be temporary and would not be expected to substantially deplete groundwater resources. As a result, the proposed project would not deplete groundwater supplies or substantially interfere with groundwater recharge.

The proposed project would be constructed in compliance with all applicable federal, state, and local regulations governing water quality and discharges to surface and ground water bodies. The proposed project would not increase the amount of impervious surface area on the project site, which is currently fully covered in impervious surface materials including buildings and pavements. The proposed project would not alter drainage patterns in a manner that would result in substantial erosion, siltation, or flooding. Runoff from the project site would drain into the City's combined stormwater/sewer system, ensuring that such runoff is properly treated at the Southeast Water Pollution Control Plant before being discharged into the San Francisco Bay. In accordance with the City's Stormwater Management Ordinance (Ordinance No. 83-10), the proposed project would be subject to Low Impact Design (LID) approaches and stormwater management systems to comply with the Stormwater Design Guidelines. As a result, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

Development in the City and County of San Francisco must account for flooding potential. Areas located on fill or bay mud can subside to a point at which the sewers do not drain freely during a storm (and sometimes during dry weather) and there can be backups or flooding near these streets and sewers. The proposed project does not fall within an area in the City prone to flooding during storms.

For the reasons discussed above, the proposed project would not result in significant project-specific or cumulative impacts on hydrology and water quality that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

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<sup>45</sup> Treadwell & Rollo, 2013. Geotechnical Investigation 150 Van Ness, 155 Hayes Street, 101 Hayes. October 31. This document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

<i>Topics:</i>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>15. HAZARDS AND HAZARDOUS MATERIALS—</b>				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR found that impacts to hazardous materials would primarily originate from construction-related activities. Demolition or renovation of existing buildings could result in exposure to hazardous building materials such as asbestos, lead, mercury or polychlorinated biphenyls (PCBs). In addition, the discovery of contaminated soils and groundwater at the site could result in exposure to hazardous materials during construction. The Market and Octavia PEIR identified a significant impact associated with soil disturbance during construction for sites in areas of naturally occurring asbestos (NOA). The PEIR found that compliance with existing regulations; and implementation of Mitigation Measure F1 – Program or Project Level Mitigation Measures for Hazardous Materials,<sup>46</sup> which would require implementation of construction BMPs to reduce dust emissions; and tracking of contaminated soils beyond the site boundaries, by way of construction vehicles tires would reduce impacts associated with construction-related hazardous materials to a less-than-significant level.

<sup>46</sup> Mitigation Measure F1 is Mitigation Measure 5.10.A in the Market and Octavia PEIR.

As discussed under Air Quality (Page 43), subsequent to the certification of the Market and Octavia PEIR, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The regulations and procedures set forth by the San Francisco Dust Control Ordinance would ensure that construction dust impacts would not be significant. These requirements supersede the dust control provisions of Market and Octavia PEIR Mitigation Measure F1. In addition, construction activities in areas containing NOA are subject to regulation under the State Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, which is implemented in San Francisco by BAAQMD. Compliance with the Asbestos ATCM would ensure that the proposed project would not create a significant hazard to the public or the environment from the release of NOA. Therefore, PEIR Mitigation Measure F1 is not applicable to the proposed project.

During operations, the Market and Octavia PEIR found that businesses that use or generate hazardous substances (cleaners, solvents, etc.), would be subject to existing regulations that would protect workers and the community from exposure to hazardous materials during operations. In addition, compliance with existing building and fire codes would reduce fire hazards, emergency response, and evaluation hazards to a less-than-significant level.

### **Hazardous Building Materials**

The 150 Van Ness Avenue building was constructed in 1925 (90 years in age) and the 155 Hayes Street building addition to 150 Van Ness Avenue was constructed in 1958 (57 years in age). Some building materials commonly used in older buildings could present a public health risk if disturbed during an accident or during demolition or renovation of an existing building. Hazardous building materials may include asbestos, lead-based paint, and PCBs, universal waste and other hazardous building materials such as fluorescent light bulbs and ballasts, as well as batteries and mercury switches in thermostats.

Asbestos is a common material previously used in buildings, and sampling of suspected asbestos-containing material prior to demolition is required by the BAAQMD to obtain a demolition permit. If asbestos is identified, it must be abated in accordance with applicable laws prior to construction or renovation. Pursuant to state law, the DBI will not issue a permit for the proposed project until compliance with regulations is completed.

Lead-based paint and PCB-containing materials could also be encountered as a result of dust-generating activities that include removal of walls and material disposal during project construction. Compliance with Chapter 36 of the San Francisco Building Code would ensure no adverse effects due to work involving lead paint. PCB-containing materials must be managed as hazardous waste in accordance with Occupational Safety and Health Administration worker protection requirements. The proposed project would be required to comply with all applicable requirements and would not result in any significant impacts related to hazardous materials that were not identified in the Market and Octavia PEIR.

### **Soil and Groundwater Contamination**

The proposed project would entail approximately 46,490 cubic yards of soil excavation (including soil removal) up to a depth of 26 feet at the project site. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I ESA would determine the potential for site

contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or ground water sampling and analysis. Where such analysis reveals the presence of hazardous substances in excess of state or federal standards, the project sponsor is required to submit a site mitigation plan (SMP) to the DPH or other appropriate state or federal agency(ies), and to remediate any site contamination in accordance with an approved SMP prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor entered the proposed project into the Maher program<sup>47</sup> and prepared and submitted the Phase I ESA<sup>48</sup> and Phase II ESA<sup>49</sup> to DPH; these reports are summarized below.

The project site includes the following properties – 150 Van Ness Avenue, 155 Hayes Street, 101 Hayes Street/69 Polk Street, 131-135 Hayes Street, and 125 Hayes Street. Previous activities on the project site that used or are likely to have used hazardous materials include 101 Hayes Street, which was previously occupied by a gasoline and oil service station from 1940 to 1950 and had three underground storage tanks removed from the site in 1998; 155 Hayes Street, which was previously occupied by welding and brazing operations and auto garages until it was redeveloped in 1968; and 150 Van Ness Avenue, which was previously occupied by various auto repair shops, vulcanizing works, and welding shops until it was redeveloped in 1925. As a result of the 1906 earthquake and fire, there may be burned demolition debris containing metals (mainly lead) and polycyclic aromatic hydrocarbons on the project site.<sup>50</sup>

Analytical results from soil samples gathered at the project site indicated that total recoverable petroleum hydrocarbon as gasoline (TPH-g) was not detected, total petroleum hydrocarbon as diesel (TPH-d) ranged from not detected to up to 68 parts per million (ppm), total petroleum hydrocarbon as motor oil (TPH-mo) ranged from not detected to up to 1900 ppm, xylenes ranged from not detected to up to 0.045, and all other volatile organic compounds were not detected at the site. Analytical results from on-site groundwater testing also indicated that TPH-g ranged from non-detectable to up to 690 parts per billion (ppb), TPH-d ranged from not detected to up to 690 ppb, TPH-mo was detected below 250 ppb, volatile organic compounds (VOCs) were detected below the Regional Water Quality Control Board's Environmental Screening Levels, semivolatile VOCs (SVOCs) were not detected, and Total Oil and Grease was not detected at the project site.<sup>51</sup>

Overall, these compounds, detected through soil and groundwater analyses at the project site, could be remediated during project construction and this is not anticipated to result in significant or cumulative impacts related to the release of hazardous materials. The proposed project would be required to prepare

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<sup>47</sup> Department of Public Health, 2014. Development – 150 Van Ness Avenue, 155 Hayes Street, 101 Hayes Street. August 1. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

<sup>48</sup> Langan Treadwell Rollo, 2014. Phase I Environmental Site Assessment for Project 3 – 150 Van Ness, 155 Hayes Street, & 101 Hayes Street. Prepared for Van Ness Hayes Associates, LLC. February 24. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

<sup>49</sup> Langan Treadwell Rollo, 2014. Phase II Environmental Site Assessment for Project 3 – 150 Van Ness, 155 Hayes Street, & 101 Hayes Street. Prepared for Van Ness Hayes Associates, LLC. February 24. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

<sup>50</sup> Langan Treadwell Rollo, 2014. Phase I Environmental Site Assessment for Project 3 – 150 Van Ness, 155 Hayes Street, & 101 Hayes Street. Prepared for Van Ness Hayes Associates, LLC. February 24. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

<sup>51</sup> Department of Public Health, 2014. Development – 150 Van Ness Avenue, 155 Hayes Street, 101 Hayes Street. August 1. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2013.0973E.

and implement a Soil Management Plan (SMP) during project construction to detail the approach for management of soils during excavation, handling, and disposal. Additionally, the proposed project would be required to prepare a Health and Safety (H&S) Plan, to be implemented by the project contractors, to ensure proper construction worker health and safety during soil excavation tasks. Mitigation work with respect to soil gas intrusion or methane was determined not be necessary for the proposed project.<sup>52</sup>

The proposed project would be required to remediate potential soil and/or groundwater contamination at the project site, described above, in accordance with Article 22A of the Health Code. With the required remediation, the proposed project would not result in any significant project-specific or cumulative impacts related to the release of hazardous materials that were not identified in the Market and Octavia PEIR.

**Emergency Response and Fire**

In San Francisco, fire safety is ensured through the provisions of the Building Code and the San Francisco Fire Code. During the review of the building permit application, DBI and the San Francisco Fire Department will review the project plans for compliance with all regulations related to fire safety. Compliance with fire safety regulations would ensure that the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, or expose people or structures to a significant risk of loss, injury, or death involving fires.

For these reasons, the proposed project would not result in project-specific or cumulative significant impacts related to hazards or hazardous materials that were not identified in the Market and Octavia PEIR, and no mitigation measures are necessary.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>16. MINERAL AND ENERGY RESOURCES—</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally imported mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Encourage activities, which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR did not analyze the effects on mineral resources and no mitigation measures were identified. The project site includes an existing on-site office building and four surface parking lots and is located within the Plan Area analyzed under the Market and Octavia PEIR. The Market and Octavia Plan Area does not include any natural resources routinely extracted.

<sup>52</sup> Ibid.

The Market and Octavia PEIR determined that the Area Plan would facilitate the new construction of a mixed-used residential building. Development of these uses would not result in use of large amounts of water, gas, and electricity in a wasteful manner, or in the context of energy use throughout the City and region. The energy demand for individual buildings would be typical for such projects, and would meet or exceed current state and local codes and standards concerning energy consumption, including Title 24 of the CCR, enforced by DBI. Therefore, the proposed project would not result in any significant project-specific or cumulative impacts related to the use of fuel, water, or energy in a wasteful manner. No mitigation measures were identified in the Market and Octavia PEIR.

<u>Topics:</u>	<i>Significant Impact Peculiar to Project or Project Site</i>	<i>Significant Impact not Identified in PEIR</i>	<i>Significant Impact due to Substantial New Information</i>	<i>No Significant Impact not Previously Identified in PEIR</i>
<b>17. AGRICULTURE AND FOREST RESOURCES:</b>				
<b>—Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural uses, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of fore land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environmental which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Market and Octavia PEIR did not analyze the effects on agricultural and forest resources and no mitigation measures were identified.

The project site includes an existing on-site office building and four surface parking lots and is located within the Plan Area analyzed under the Market and Octavia PEIR. No agricultural uses, forest land, or timberland exist at the project site. For the above reasons, the proposed project would not result in significant project-specific or cumulative impacts that were not identified in the Market and Octavia FEIR related to agricultural and forest resources.

## MITIGATION MEASURES

### **Project Mitigation Measure 1 – Archaeological Testing (Implementing Market and Octavia PEIR Mitigation Measure C2)**

Based on a reasonable presumption that archaeological resources may be present on the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Planning Department archaeologist to obtain the names and contact information for the next three archaeological consultants on the QACL. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the ERO. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Section 15064.5 (a)(c).

**Consultation with Descendant Communities.** On discovery of an archaeological site<sup>53</sup> associated with descendant Native Americans, the Overseas Chinese, or other descendant group, an appropriate representative<sup>54</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archaeological field investigations of the site, and to consult with ERO regarding appropriate archaeological treatment of the site; of recovered data from the site; and if applicable, any interpretative treatment of the associated archaeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.

**Archaeological Testing Program.** The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project; the testing method to be used; and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If, based on the archaeological testing program, the

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<sup>53</sup> The term "archaeological site" is intended to minimally include any archaeological deposit, feature, burial, or evidence of burial.

<sup>54</sup> An "appropriate representative" of the descendant group is defined, in the case of Native Americans, as any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission; and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Planning Department archaeologist.

archaeological consultant finds that significant archaeological resources may be present, the ERO, in consultation with the archaeological consultant, shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. No archaeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archaeologist. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor, either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or
- B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance, and that interpretive use of the resource is feasible.

**Archaeological Monitoring Program.** If the ERO, in consultation with the archaeological consultant, determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:

- The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to the commencement of any project-related soils-disturbing activities. The ERO, in consultation with the archaeological consultant, shall determine which project activities shall be archaeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), or site remediation shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context.
- The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource.
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits.
- The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.
- If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile-driving/construction activities and equipment until the deposit is evaluated. If, in the case of pile-driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile-driving activity may affect an archaeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made, in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

**Archaeological Data Recovery Program.** The archaeological data recovery program shall be conducted in accordance with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. The ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- **Field Methods and Procedures.** Descriptions of proposed field strategies, procedures, and operations.
- **Cataloguing and Laboratory Analysis.** Description of selected cataloguing system and artifact analysis procedures.
- **Discard and De-accession Policy.** Description of and rationale for field and post-field discard and de-accession policies.
- **Interpretive Program.** Consideration of an onsite/offsite public interpretive program during the course of the archaeological data recovery program.
- **Security Measures.** Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.
- **Final Report.** Description of proposed report format and distribution of results.
- **Curation.** Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

**Human Remains and Associated or Unassociated Funerary Objects.** The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco; and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

**Final Archaeological Resources Report.** The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert in the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy, and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the FARR, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

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### **Project Mitigation Measure 2: Construction Air Quality (Implementing Market & Octavia PEIR Mitigation Measure E-2)**

The project sponsor or the project sponsor's Contractor shall comply with the following

A. *Engine Requirements.*

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.
4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.

B. *Waivers.*

1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.

**Table – Off-Road Equipment Compliance Step-down Schedule**

<b>Compliance Alternative</b>	<b>Engine Emission Standard</b>	<b>Emissions Control</b>
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

\*\* Alternative fuels are not a VDECS.

C. *Construction Emissions Minimization Plan.* Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make,

model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.

2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.
3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.

D. *Monitoring.* After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.

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### **Project Mitigation Measure 3 – Construction-Related Soils (Implementing Mitigation Measure G1 of the Market and Octavia PEIR)**

Program- or project-level temporary construction-related impacts would be mitigated through the implementation of the following measures:

BMPs erosion control features shall be developed with the following objectives and basic strategy:

- Protect disturbed areas through minimization and duration of exposure.
  - Control surface runoff and maintain low runoff velocities. Trap sediment on site.
  - Minimize length and steepness of slopes.
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## **IMPROVEMENT MEASURES**

### **Project Improvement Measure 1 – Salvage**

Prior to the demolition of 150 Van Ness Avenue, the project sponsor shall identify extant historic fabric and decorative details within the vestibule and lobby that may feasibly be salvaged, such as travertine and marble cladding, painted wood beams, historic light fixtures and molded doors, and plaster decorative elements like two Juliet balcony frieze projections on the east and west side of the lobby, the medallion friezes around the lobby, and the spiral columns on the Juliet balconies that appear to be freestanding. The project sponsor, to the extent practicable, will seek to incorporate these salvaged features and fabric into the design and the new construction. Where incorporation into the new construction is not practicable, salvaged features and fabric will go to a salvage company with experience with historic materials.

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### **Project Improvement Measure 2 – Pedestrian Countdown Timers**

Subject to Caltrans approval, install pedestrian signal heads with countdown timers for the north and south crosswalks at Van Ness Avenue / Hayes Street and Van Ness Avenue / Fell Street.

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### **Project Improvement Measure 3 – Audible and Visible Warning Devices**

Install audible and visible warning devices at the garage entrance to alert pedestrians of outbound vehicles exiting the garage.

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### **Project Improvement Measure 4 – Loading Coordination**

Deploy building staff at the loading dock when trucks are attempting to service the building to ensure the safety of other roadway users and minimize the disruption to traffic, transit, bicycle, and pedestrian circulation. All regular events requiring use of the loading dock (e.g., retail deliveries, building service needs) should be coordinated directly with building management to ensure that staff can be made available to receive trucks.

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### **Project Improvement Measure 5 – Loading Accommodation and Restrictions**

Schedule and coordinate loading activities through building management to ensure that trucks can be accommodated either in the off-street loading dock or the service vehicle spaces in the building's garage. Trucks should be discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along any of the streets immediately adjacent to the building (Van Ness Avenue, Hayes Street, and Polk Street). Trucks longer than 25 feet requiring occasional access to the Project shall not be allowed to enter or occupy the loading dock at any time, and shall instead obtain necessary permits to reserve the south curb of Hayes Street adjacent to the Project site.

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### **Project Improvement Measure 6 – Transportation Demand Management**

The Project Sponsor will establish a Transportation Demand Management (TDM) program for building tenants, in an effort to expand the mix of travel alternatives available for the building tenants. The Project Sponsor has chosen to implement the following measures as part of the building's TDM program:

- Appointment of an in-house TDM Coordinator responsible for the implementation and ongoing operation of all other TDM measures included as part of the Project;
- Provision of a transportation insert as part of the resident move-in packet that includes information on transit service (local and regional routes, schedules, and fares), location of transit pass vendors, information on the 511 Regional Rideshare Program and nearby bike- and car-share programs, and information on where to find additional web-based alternative transportation resources;
- Provision of a transportation insert as part of the new-hire packet with information identical to that provided in the resident-move in packet;
- Maintenance of an available supply of Muni maps and San Francisco Bicycle and Pedestrian Maps;
- Provision of Project access to city staff for data collection needs;
- Increase of the number of on-site secured bicycle parking in excess of Planning Code requirements and provision of additional bicycle facilities in the public right-of-way adjacent to the Project site; and,
- Cooperation with SFMTA and the San Francisco Department of Public Works and / or Bay Area Bike Share (agencies) to allow the installation of a bike share station in the public right-of-way along the Project's frontage.

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### **Project Improvement Measure 7 – Passenger Loading Zone**

Designate a portion of the new curb space created by the elimination of existing curb cuts along Hayes Street as new passenger loading zone (white curb).

---

### **Project Improvement Measure 8 – Queue Abatement**

It shall be the responsibility of the Project Sponsor to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Hayes Street, including any portion of any travel lanes, except for the curbside (south curb) turn pocket as described below. The owner / operator shall also ensure that no substantial pedestrian conflict as defined below is created at the Project driveway.

A vehicle queue is defined as one or more stopped vehicles destined to the Project garage blocking any portion of the Hayes Street sidewalk or roadway (except for the curbside turn pocket) for a consecutive period of three minutes or longer on a daily or weekly basis, or for more than five (5) percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space or

valet capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage or loading dock; or a combination of these or other factors.

A substantial pedestrian conflict is defined as a condition where drivers of inbound and / or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and / or contact between pedestrians and the vehicle would occur.

There is one exception to the definition of a substantial conflict. Sometimes, outbound vehicles departing from the Project driveway would be able to cross the sidewalk without conflicting with pedestrians, but then would have to stop and wait in order to safely merge into the Hayes Street roadway (due to a lack of gaps in Hayes Street traffic and / or a red signal at the Van Ness Avenue / Hayes Street intersection). While waiting to merge, the rear of the vehicle could protrude into the northern half of the sidewalk. This protrusion shall not be considered a pedestrian conflict. This is because the obstruction would be along the northern edge of the sidewalk, while the pedestrian path of travel would be along the south side of the sidewalk; street trees and other streetscape elements would already impede pedestrian flow along the north side of the sidewalk. Any pedestrians that would be walking along the north side of the sidewalk would be able to divert to the south and maneuver behind the stopped car. This exception only applies to outbound vehicles, and only if pedestrians are observed to walk behind the stopped vehicle. This exception does not apply to any inbound vehicles, and does not apply to outbound vehicles if pedestrians are observed to walk in front of the stopped outbound vehicle.

If vehicle queues or substantial conflicts occur, the Project Sponsor shall employ abatement methods as needed to abate the queue and / or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and / or on-site queue capacity; employment of additional valet attendants; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or employee shuttles; parking demand management strategies such as time-of-day parking surcharges; expanded hours of truck access limitations; and / or limiting hours of access to the Project driveway during periods of peak pedestrian traffic. Any new abatement measures shall be reviewed and approved by the Planning Department.

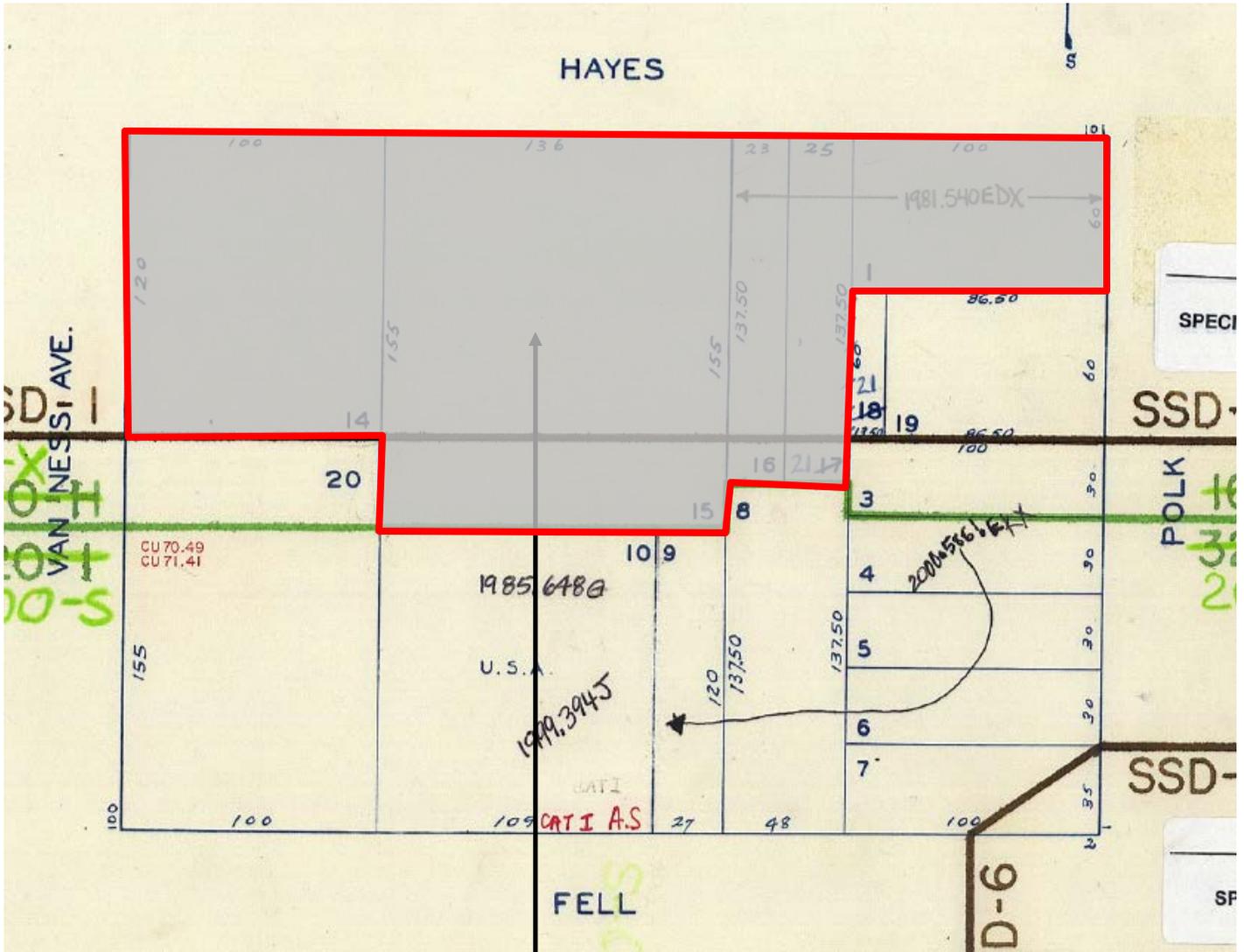
If the Planning Director, or his or her designee, suspects that vehicle queues or a substantial conflict are present, the Department shall notify the property owner in writing. The facility owner / operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall submit a report to the Department documenting conditions. Upon review of the report, the Department shall determine whether or not queues and / or a substantial conflict exists, and shall notify the garage owner / operator of the determination in writing.

If the Department determines that queues or a substantial conflict do exist, upon notification, the facility owner / operator shall have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Department determines that vehicle queues and / or a substantial conflict are still present or that the facility owner / operator has been unsuccessful at abating the identified vehicle queues or substantial conflicts, the hours of inbound and / or outbound access of the Project driveway shall be limited during peak hours. The hours and directionality of the access limitations shall be

determined by the Planning Department, communicated to the facility owner / operator in writing. The facility owner / operator shall be responsible for limiting the hours of Project driveway access as specified by the Department.

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# Parcel Map

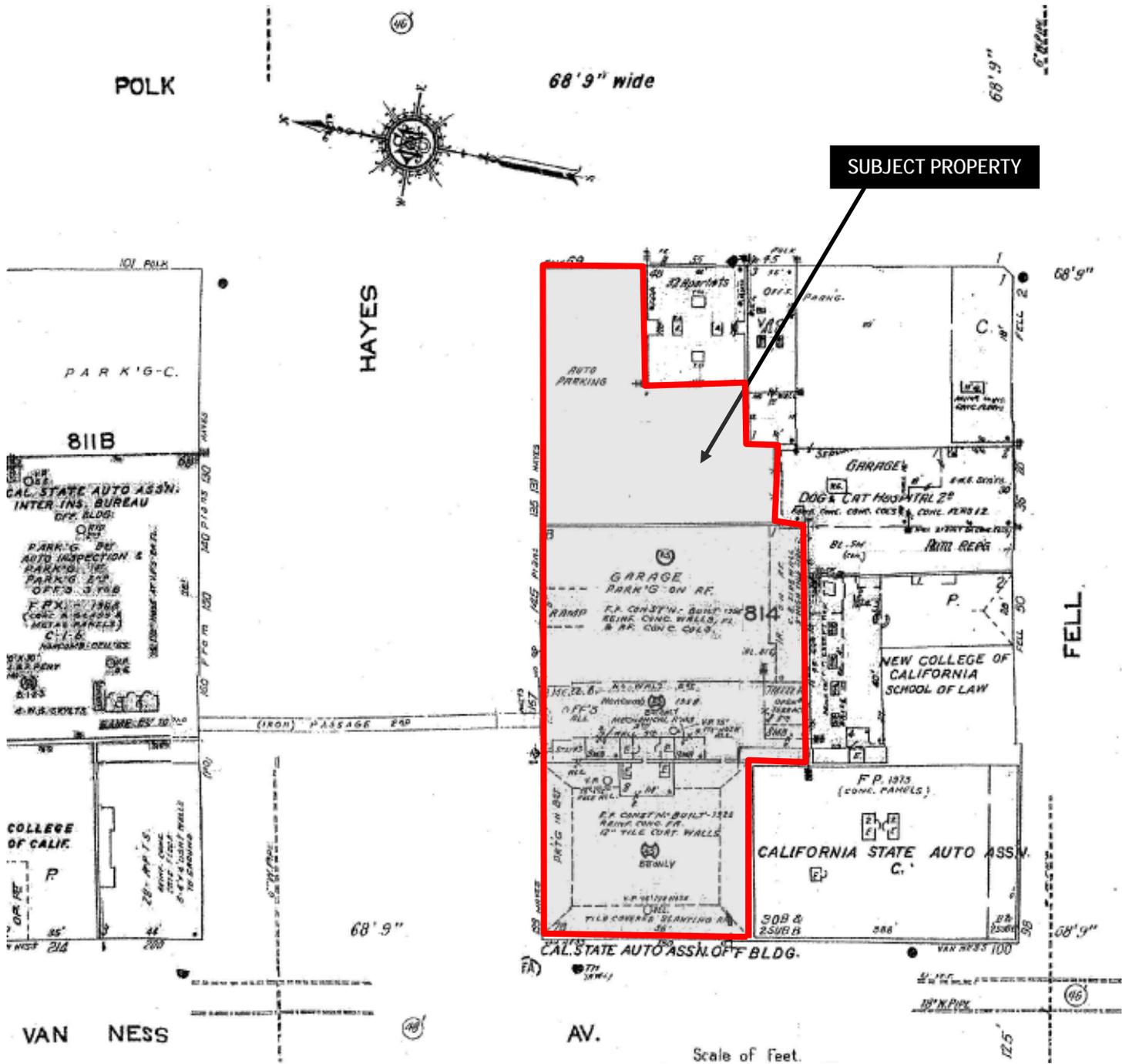


SUBJECT PROPERTY



Planning Commission Hearing  
Case Number 2013.0973CVX  
150 Van Ness Avenue

# Sanborn Map\*

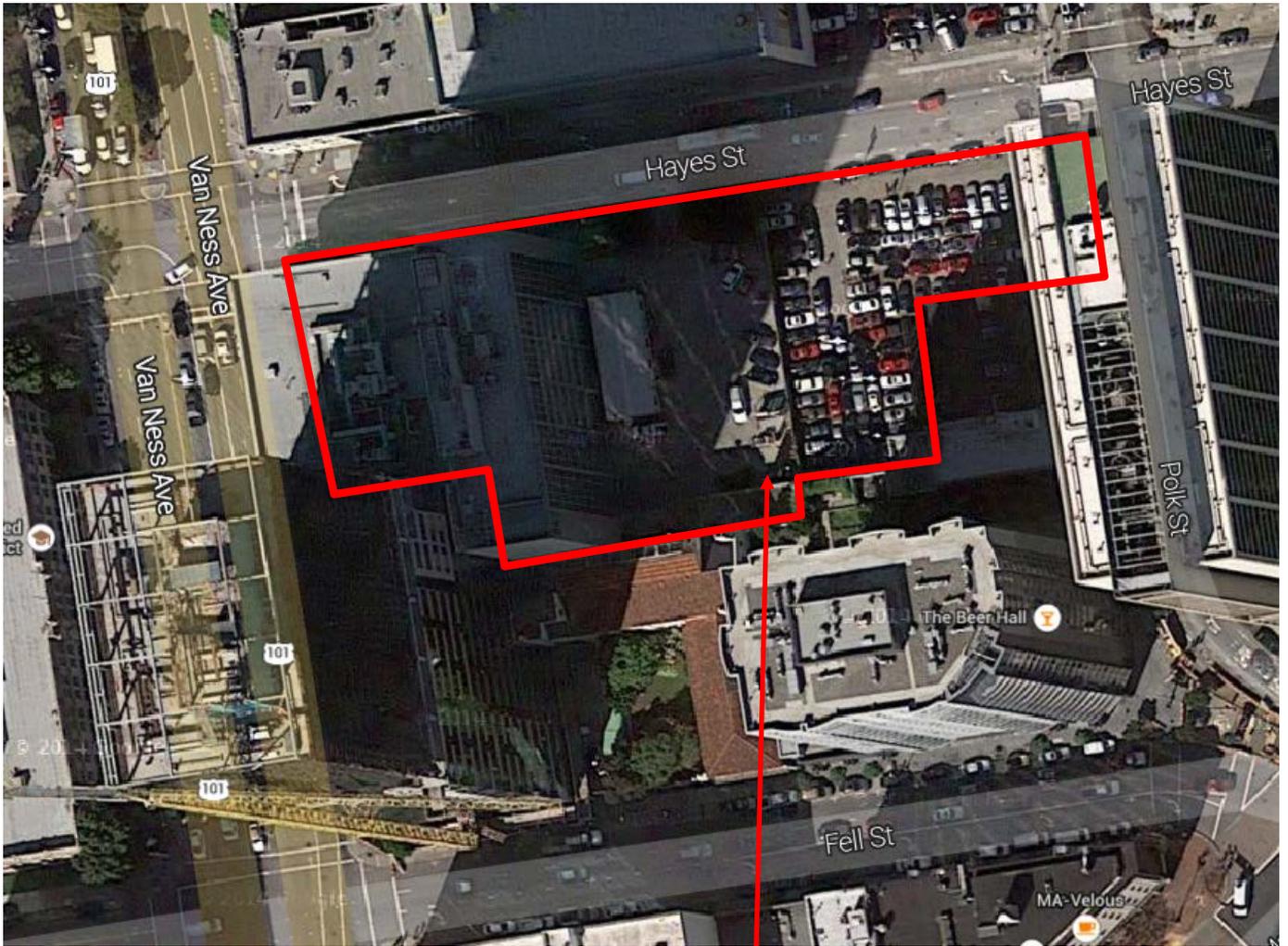


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Planning Commission Hearing  
 Case Number 2013.0973CVX  
 150 Van Ness Avenue

# Aerial Photo

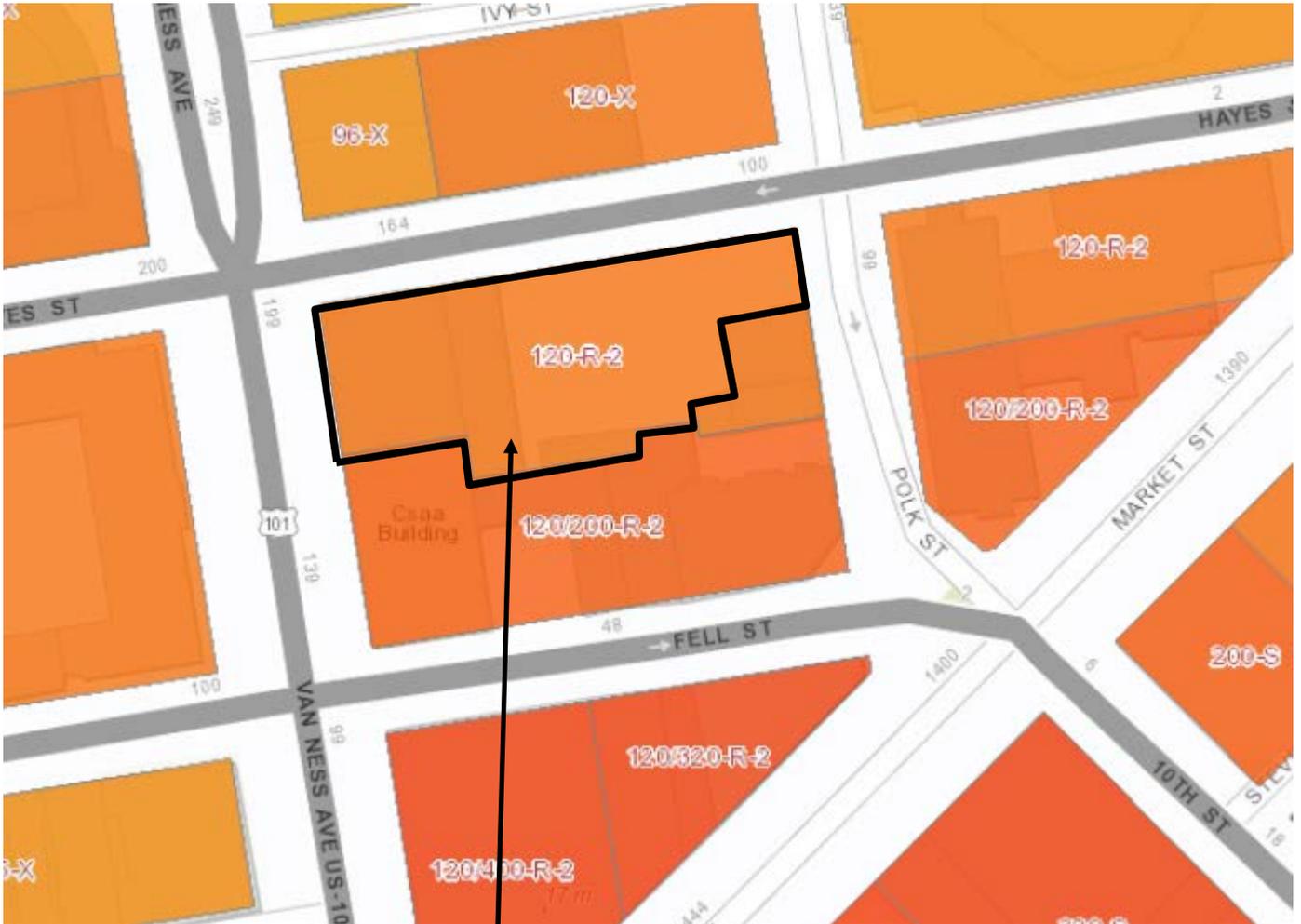


SUBJECT PROPERTY



Planning Commission Hearing  
Case Number 2013.0973CVX  
150 Van Ness Avenue

# Zoning Map

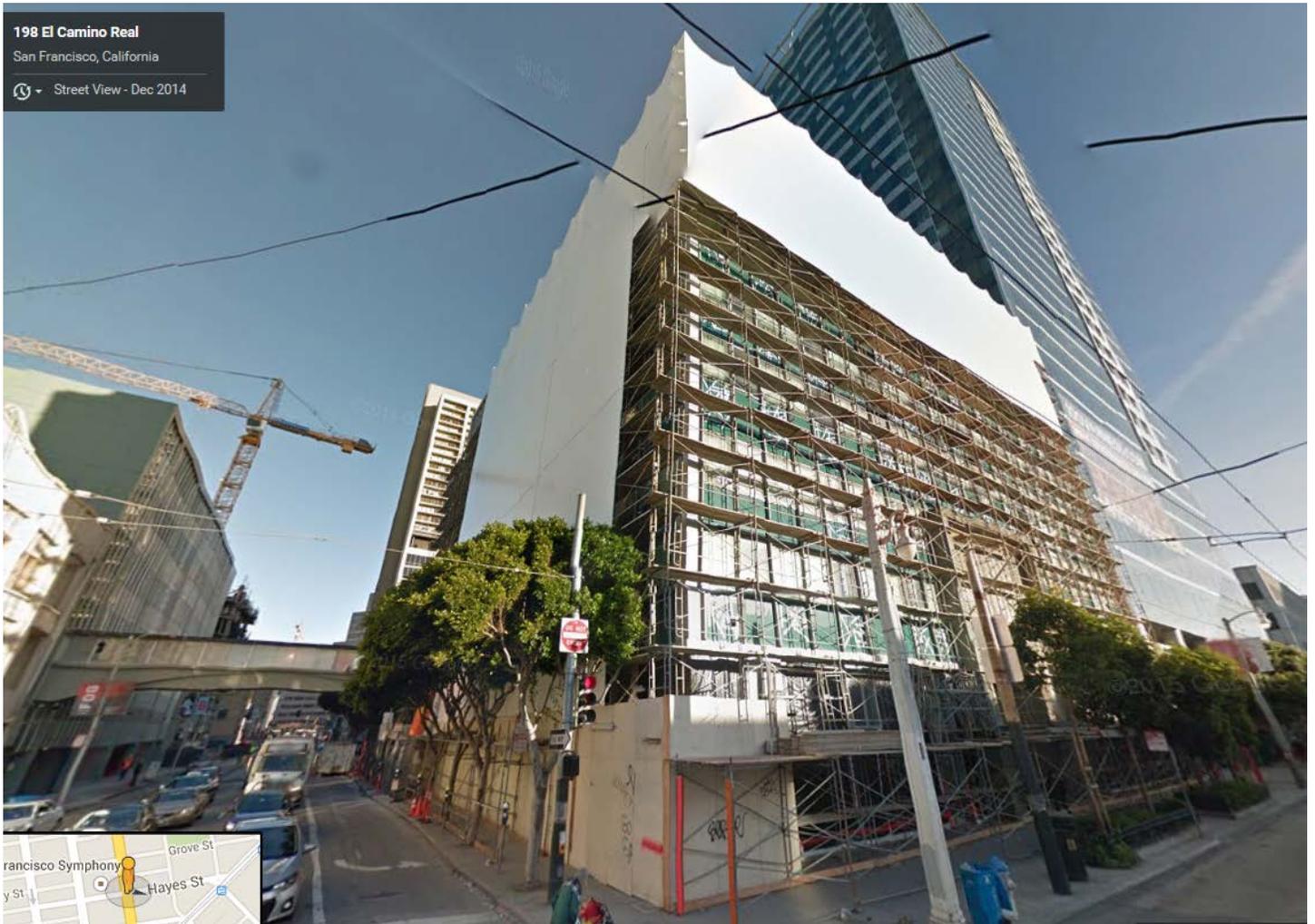


SUBJECT PROPERTY



Planning Commission Hearing  
Case Number 2013.0973CVX  
150 Van Ness Avenue

# Site Photo



Planning Commission Hearing  
Case Number 2013.0973CVX  
150 Van Ness Avenue



SAN FRANCISCO  
PLANNING  
DEPARTMENT

# AFFIDAVIT FOR Compliance with the Inclusionary Affordable Housing Program

Date: January 11, 2013

To: Applicants subject to Planning Code Section 415: Inclusionary  
Affordable Housing Program

From: San Francisco Planning Department

Re: Compliance with the Inclusionary Affordable Housing Program

Planning Department  
1650 Mission Street  
Suite 400  
San Francisco, CA  
94103-9425

T: 415.558.6378  
F: 415.558.6409

All projects that involve five or more new dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Section 415 of the Planning Code. Every project subject to Section 415 must pay an Affordable Housing Fee that is equivalent to the applicable percentage of the number of units in the principal project, which is 20% of the total number of units proposed (or the applicable percentage if subject to different area plan controls or requirements).

A project may be eligible for an Alternative to the Affordable Housing Fee if the developer chooses to commit to sell the new on- or off-residential units rather than offer them as rental units. Second, the project may be eligible for an Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act. All projects that can demonstrate that they are eligible for an alternative to the Affordable Housing Fee must provide the necessary documentation to the Planning Department and the Mayor's Office of Housing. Additional material may be required to determine if a project is eligible to fulfill the Program's requirements through an alternative.

Before the Planning Department and/or Planning Commission can act on the project, this *Affidavit for Compliance with the Inclusionary Affordable Housing Program* must be completed.

<sup>1</sup> California Civil Code Section 1954.50 et.al.

Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415

12/31/14

Date

I, Marc Babsin, do hereby declare as follows:

a. The subject property is located at (address and block/lot):

150 Van Ness Avenue

Address

See attached

Block / Lot

b. The proposed project at the above address is subject to the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq.

The Planning Case Number and/or Building Permit Number is:

2013.09730

Planning Case Number

2014.0613.8394

Building Permit Number

This project requires the following approval:

- Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)  
 This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Kanishka Burns

Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

- Yes (if yes, please indicate Tier) \_\_\_\_\_  
 No

This project is exempt from the Inclusionary Affordable Housing Program because:

- This project uses California Debt Limit Allocation Committee (CDLAC) funding.  
 This project is 100% affordable.

c. This project will comply with the Inclusionary Affordable Housing Program by:

- Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).  
 On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

Affidavit for Compliance with the Inclusionary Affordable Housing Program

d. If the project will comply with the Inclusionary Affordable Housing Program through an **On-site or Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative and the accompanying unit mix tables on page 4.

**Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.

**Rental.** Exemption from Costa Hawkins Rental Housing Act.<sup>2</sup> The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:

Direct financial contribution from a public entity.

Development or density bonus or other public form of assistance.

Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

e. The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

(1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;

(2) Record a new Notice of Special Restrictions; and

(3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

f. The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

g. I am a duly authorized officer or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Executed on this day in:

San Francisco, CA  
Location

12-3-11  
Date

[Signature]  
Signature

Marc Babsin, Agent  
Name (Print), Title

cc: Mayor's Office of Housing  
Planning Department Case Docket  
Historic File, if applicable  
Assessor's Office, if applicable

415-489-1313  
Contact Phone Number

<sup>2</sup> California Civil Code Section 1954.50 and following.

## Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT:					
Total Number of Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
420		24	222	150	14

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

- On-site Affordable Housing Alternative (Charter Section 16.110 (g) and Planning Code Section 415.6): calculated at 12% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
50		3	27	18	2

- Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
Area of Dwellings in Principal Project (in sq. feet)		Off-Site Project Address			
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)		Motion No. (if applicable)		Number of Market-Rate Units in the Off-site Project	

- Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:  
Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee \_\_\_\_\_ % of affordable housing requirement.

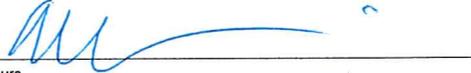
2. On-Site \_\_\_\_\_ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

3. Off-Site \_\_\_\_\_ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
Area of Dwellings in Principal Project (in sq. feet)		Off-Site Project Address			
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)		Motion No. (if applicable)		Number of Market-Rate Units in the Off-site Project	

Affidavit for Compliance with the Inclusionary Affordable Housing Program

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
Company Name Van Ness Hayes Associates, LLC	Company Name
Print Name of Contact Person Marc Babsin	Print Name of Contact Person
Address 532 Folsom St Ste 400	Address
City, State, Zip San Francisco, CA 94105	City, State, Zip
Phone, Fax 415-489-1313	Phone, Fax
Email marc@emerald@fund.com	Email
I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.	I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.
	
Signature Marc Babsin, Agent	Signature
Name (Print), Title	Name (Print), Title





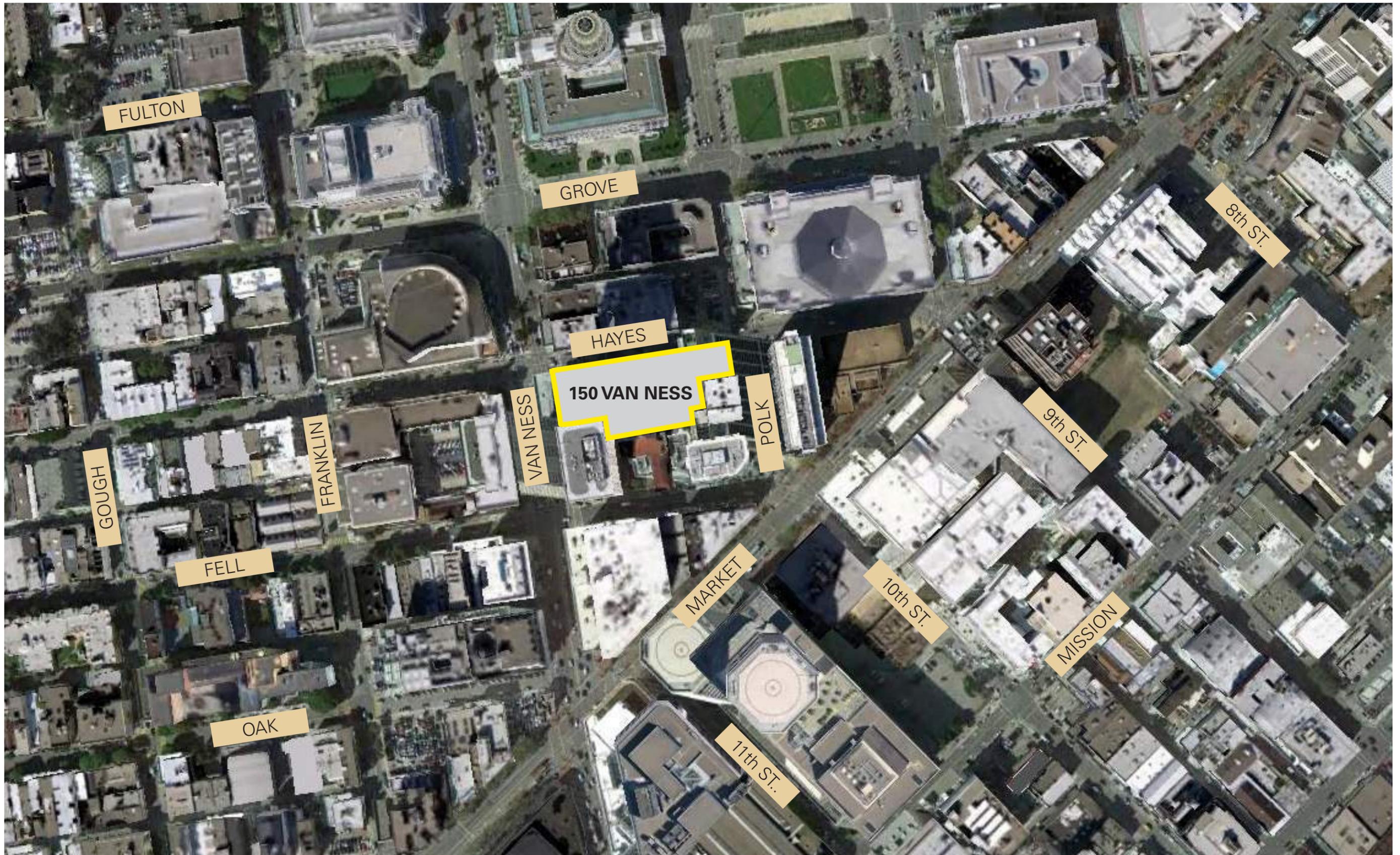
309, CONDITIONAL USE & VARIANCE SUBMITTAL  
03.06.2015 UPDATE

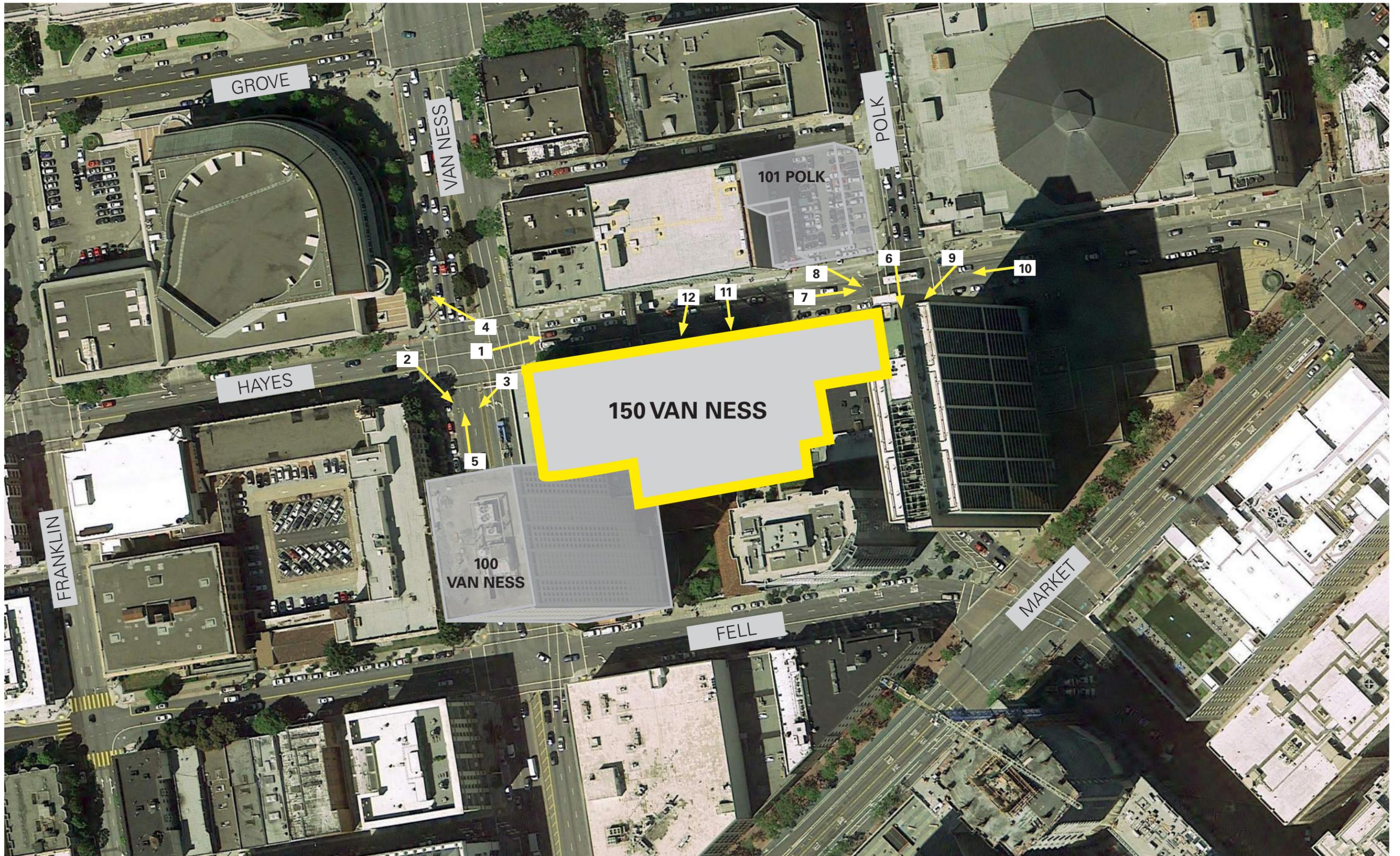
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03.06.15  
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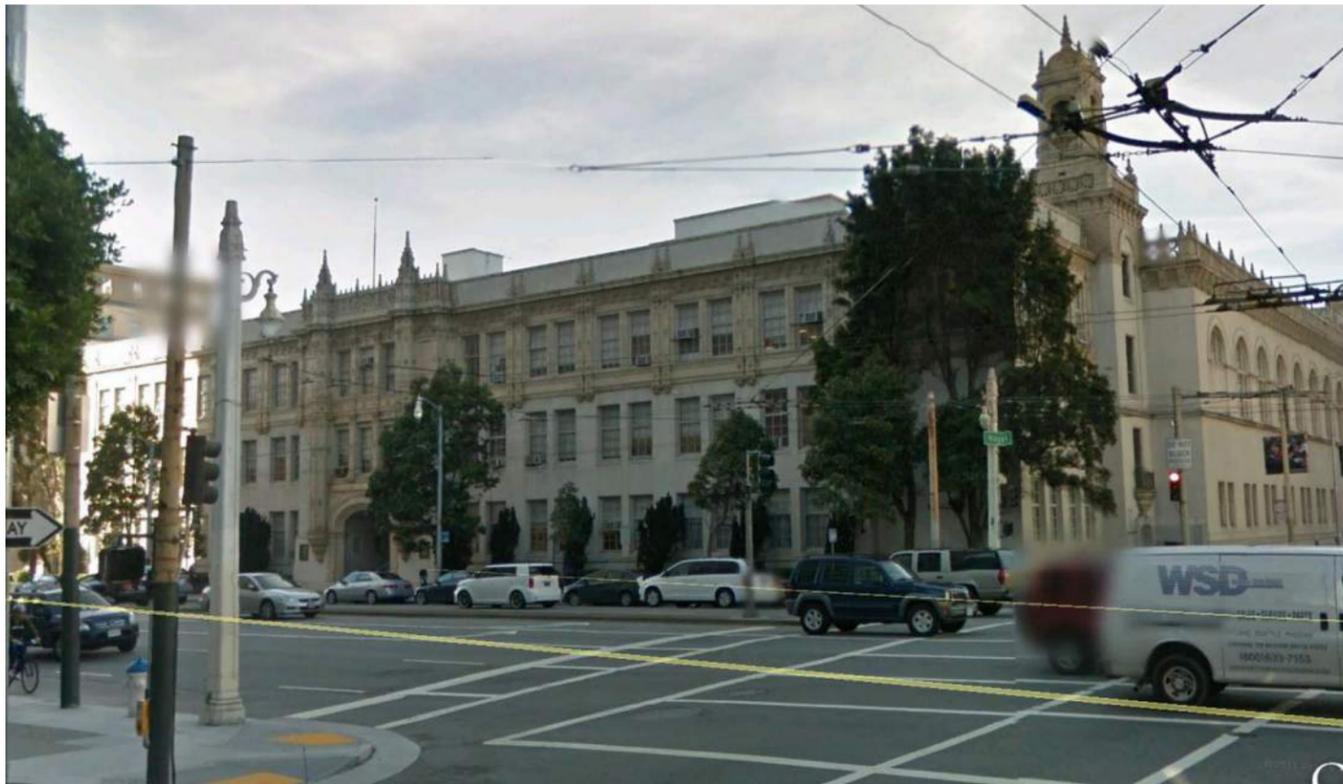




1. LOOKING EAST DOWN HAYES



2. VAN NESS FRONTAGE



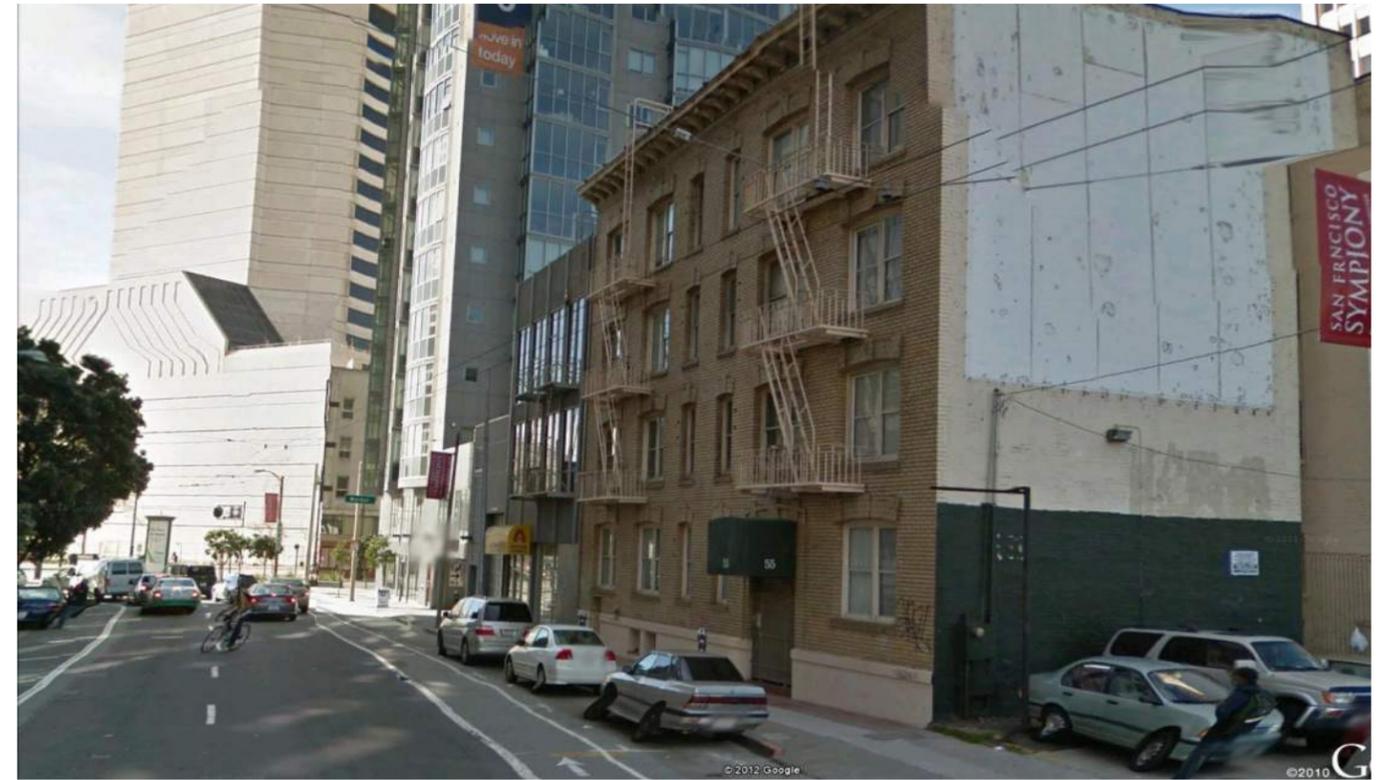
3. SOUTH SIDE OF VAN NESS



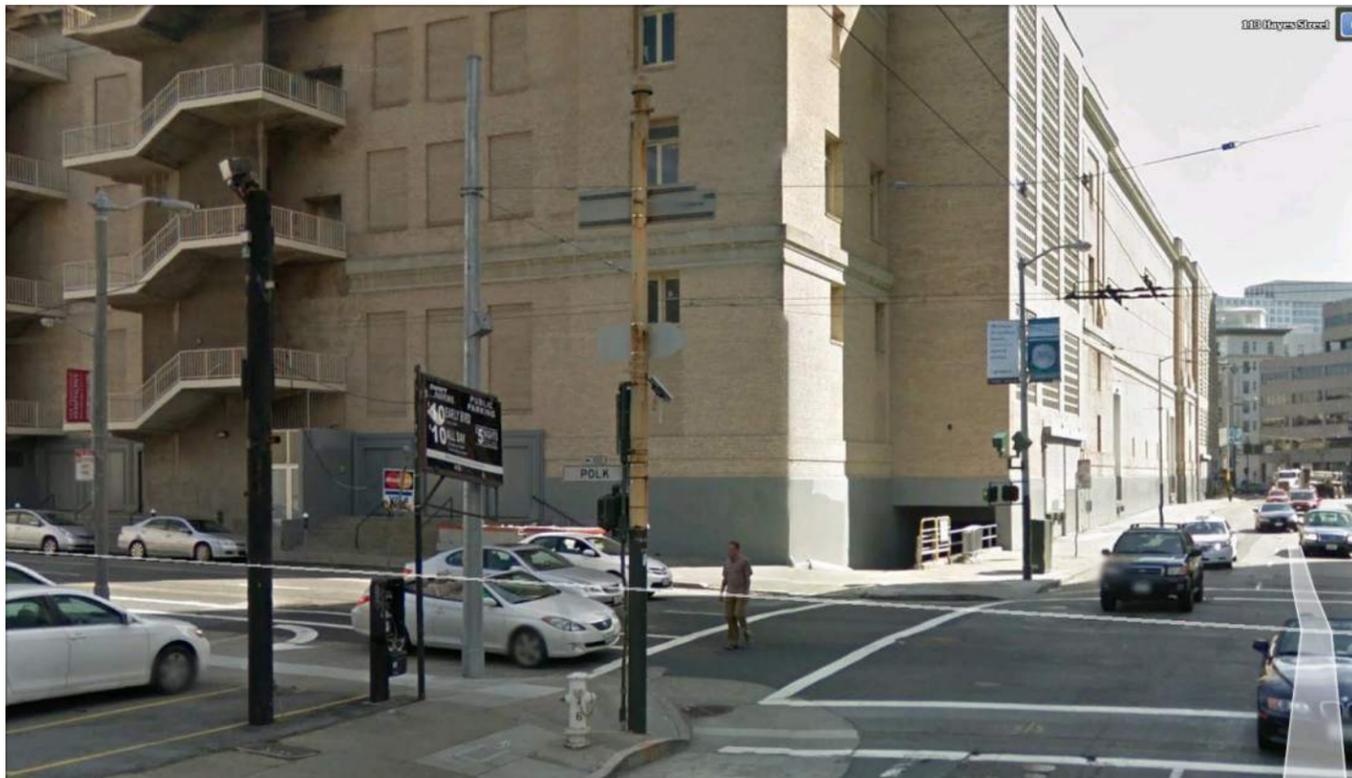
4. SYMPHONY HALL



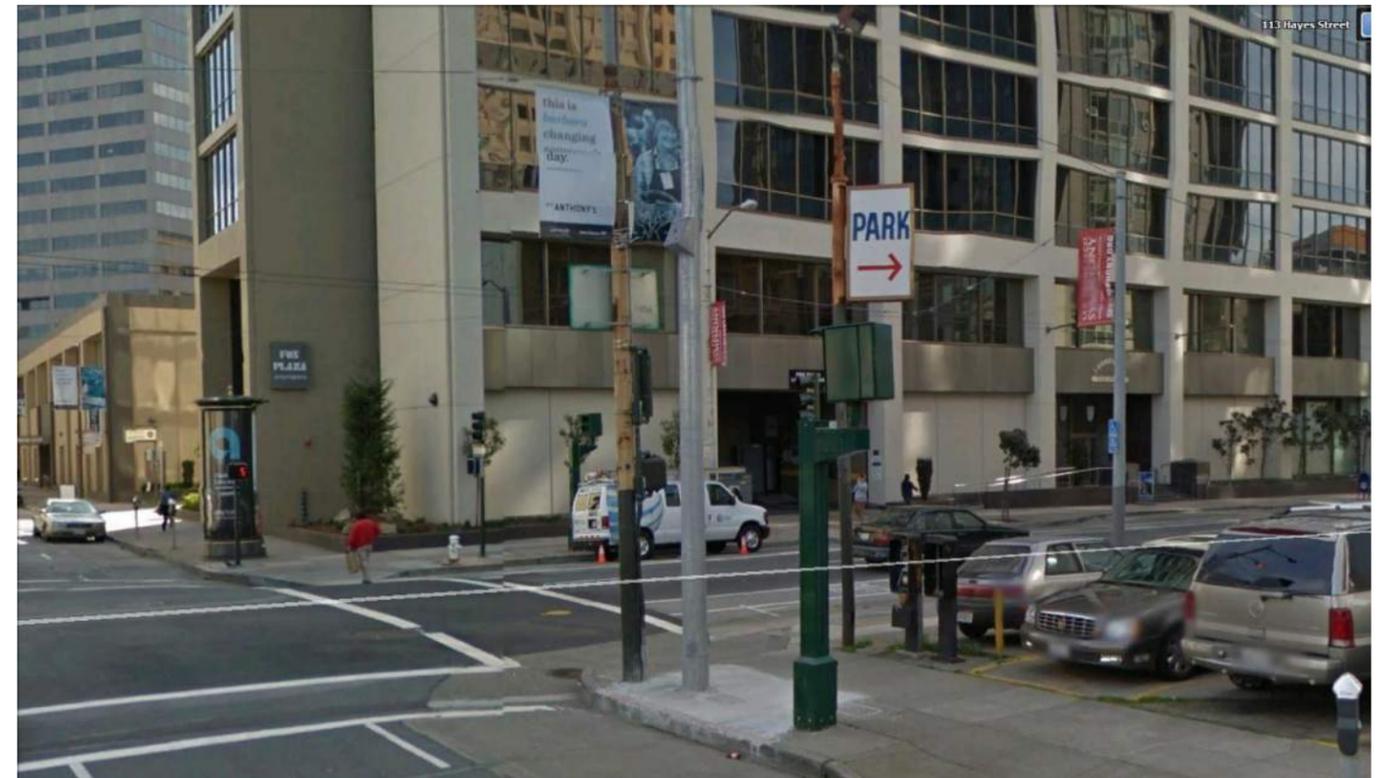
5. LOOKING NORTH UP VAN NESS



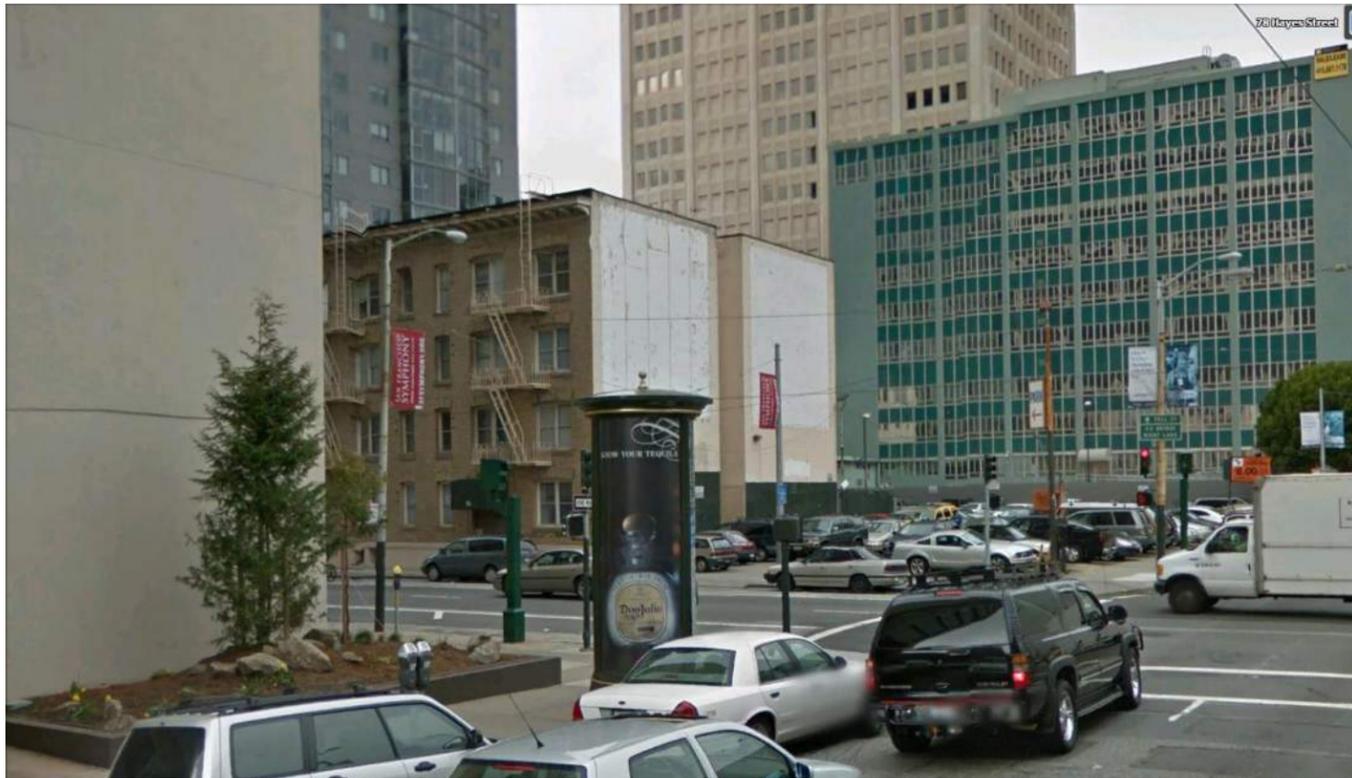
6. LOOKING SOUTH DOWN POLK STREET



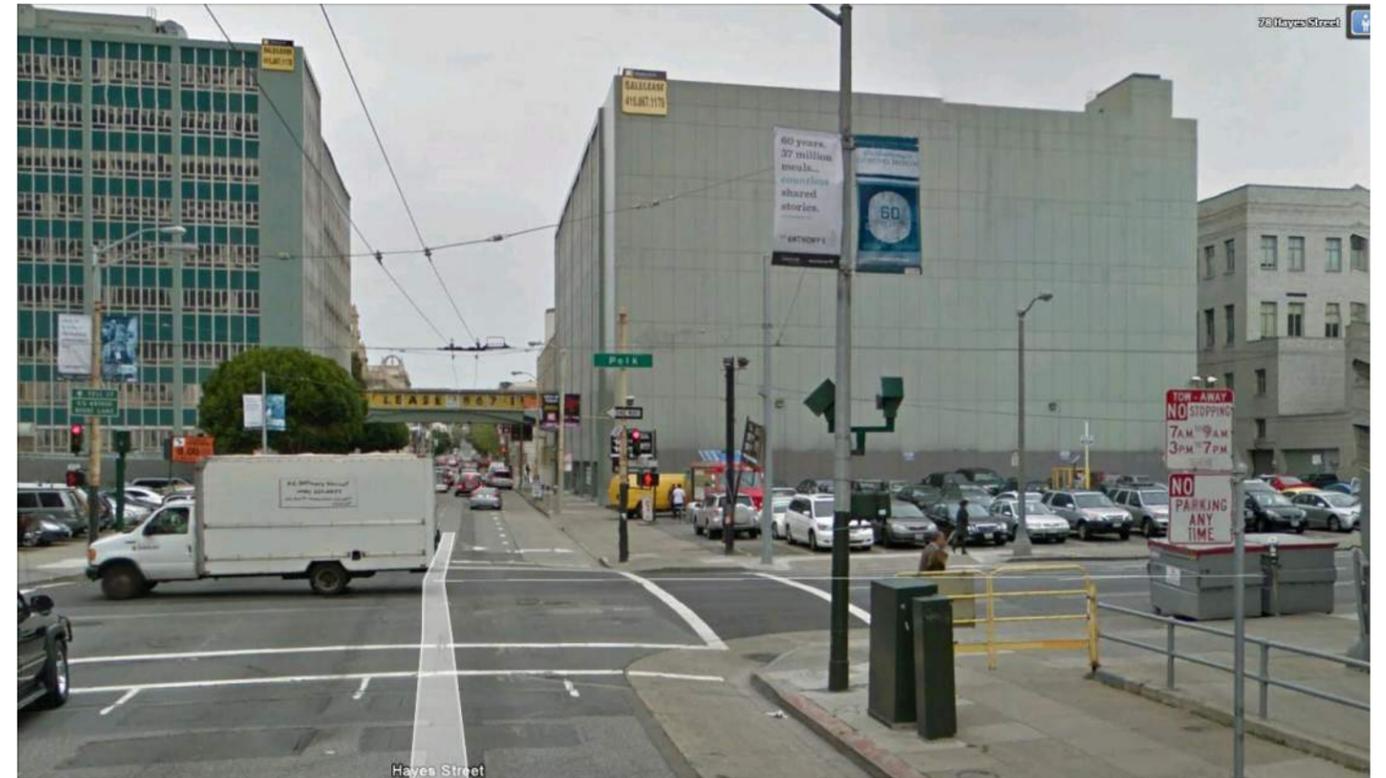
7. LOOKING EAST DOWN HAYES



8. CORNER OF HAYES & POLK



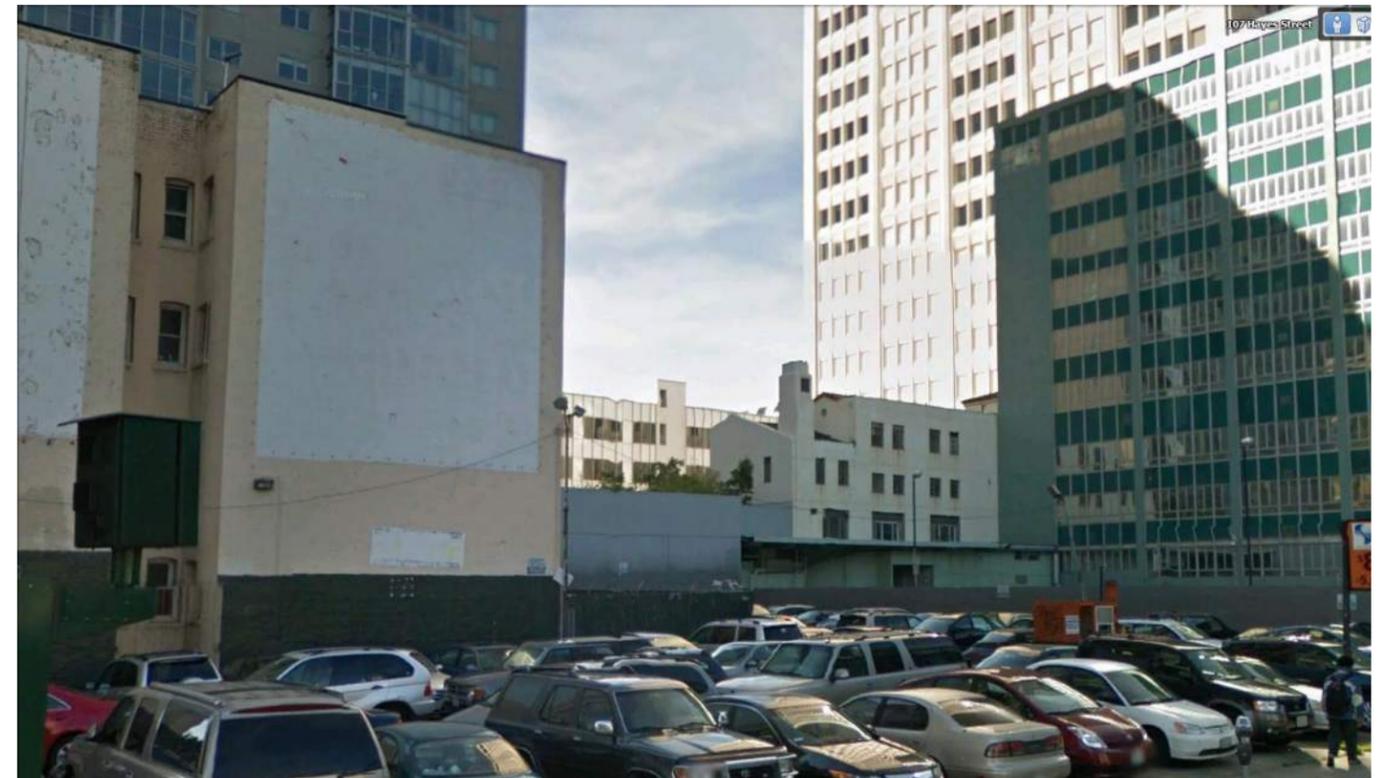
9. CORNER OF HAYES & POLK; LOOKING WEST TO SITE



10. LOOKING WEST DOWN HAYES (SITE ON LEFT)



11. LOOKING SOUTH, ON TO SITE



12. LOOKING SOUTH-WEST, ON TO SITE

## ZONING

SITE AREA	46,490 sf
ZONING DISTRICT	C-3-G
HEIGHT / BULK	120-R-2
SUD	Market Octavia Area Plan
SUD	Van Ness & Market Downtown Residential

## GROSS PROJECT AREAS

	GSF	FAR
RESIDENTIAL	375,808	375,808 sf
INCLUSIONARY RESIDENTIAL (12% on site)	-	(45,097) sf
MECHANICAL	-	(10,247) sf
HOTEL	1,220	1,220 sf
RETAIL	9,000	9,000 sf
LOBBY/LOADING/BOH	14,326	0 sf
PARKING (include bike parking)	50,223	0 sf
<b>TOTAL</b>	<b>450,577</b>	<b>330,684 gsf</b> 7.1 FAR

## RESIDENTIAL

AVERAGE UNIT	782 nsf
NET RESID. AREA	328,496 nsf

## RESIDENTIAL MIX

	units	%	avg. size
3 BEDROOM	14	3.3%	1129 sf
2 BEDROOM	160	38.1%	876 sf
1 BEDROOM	222	52.9%	655 sf
STUDIO	24	5.7%	439 sf
<b>TOTAL</b>	<b>420</b>	<b>100.0%</b>	

## PARKING - CARS

RESIDENTIAL PARKING	.50 / unit	202 spaces
(up to .75 spaces / unit, 309 exception)		
ACCESSIBLE	for 201-300	7 Autos 1 Van
(included in residential parking)		
<b>TOTAL</b>		<b>210 spaces</b>

## CAR SHARE

(car share, 201 units or more: 2 spaces + for every 200 units)

4 spaces

## SERVICE VEHICLES

2 spaces

## PARKING - BIKES (based on new ordinance)

RESIDENTIAL	Class 1	228 spaces
(Class 1, 100 spaces + 1 space / 4 units over 100. Class 2, 1/20 units)	Class 2	21 spaces
RETAIL SALES	Class 1	2 spaces
(Class 1, 1 / 7,500 sf; Class 2, 1 / 2,500 sf, minimum 2 spaces)	Class 2	12 spaces

## OPEN SPACE

LOWER EAST TERRACE	- sf
UPPER EAST TERRACE	- sf
POOL TERRACE	5,470 sf
ROOF TERRACE	10,898 sf
<b>TOTAL COMMON OPEN SPACE</b>	<b>16,368 sf</b>

COMMON SPACE PROVIDED @ 48 sf / unit

341 units

PRIVATE SPACE PROVIDED @ 36 sf / unit

79 units

**420 units**

OPEN SPACE @ ROOF PROVIDED FOR 18 UNITS  
AT 100 VAN NESS

864 sf

**GROSS FLOOR AREA BREAKDOWN**

Flr.	UNITS	CIRCULATION	RETAIL	HOTEL	BOH	PARKING	TOTAL
R	0	0	0	0	0	0	0
13	25,720	3,705	0	0	0	0	29,425
12	25,720	3,705	0	0	0	0	29,425
11	27,911	3,705	0	0	0	0	31,616
10	27,911	3,705	0	0	0	0	31,616
9	27,911	3,705	0	0	0	0	31,616
8	27,911	3,705	0	0	0	0	31,616
7	27,911	3,705	0	0	0	0	31,616
6	27,911	3,705	0	0	0	0	31,616
5	27,911	3,705	0	0	0	0	31,616
4	27,911	3,705	0	0	0	0	31,616
3	25,159	4,019	0	0	0	0	29,178
2	20,833	3,613	0	0	0	0	24,446
1	7,776	2,630	9,000	1,220	14,326	4,718	39,670
B1	0	0	0	0	0	45,505	45,505
<b>TOTAL</b>	<b>328,496</b>	<b>47,312</b>	<b>9,000</b>	<b>1,220</b>	<b>14,326</b>	<b>50,223</b>	<b>450,577</b>

FAR Exclusions

Inclusionary Residential+Circulation (12%)	45,097 sf
BOH	14,326 sf
Mechanical	10,247 sf
Parking	50,223 sf
<b>SUBTOTAL</b>	<b>119,893 sf</b>

Gross Floor Area for FAR calculation

Gross Floor Area	450,577 sf
FAR Exclusions	(119,893) sf
<b>TOTAL</b>	<b>330,684 sf</b>

**ZONING**

SITE AREA	46,490 sf
MAX FAR ALLOWED	9.0 FAR
MAX FLOOR AREA	418,410 sf
PROPOSED FAR	7.1 FAR
PROPOSED FLOOR AREA	330,684 sf

**GROSS PROJECT AREAS**

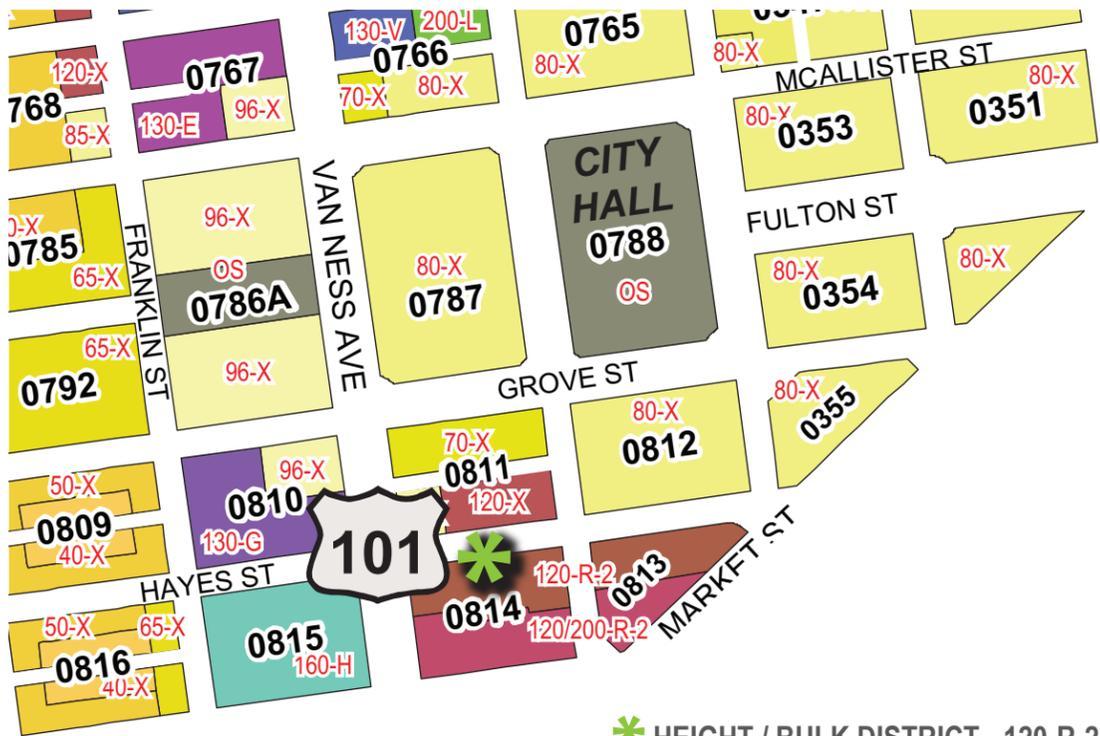
	GSF	FAR
GROSS RESIDENTIAL AREA (units+circulation)	375,808	375,808 sf
INCLUSIONARY RESIDENTIAL+CIRCULATION	-	(45,097) sf
MECHANICAL	-	(10,247) sf
HOTEL	1,220	1,220 sf
RETAIL	9,000	9,000 sf
LOBBY/LOADING/BOH	14,326	- sf
PARKING (include bike parking)	50,223	- sf
<b>TOTAL</b>	<b>450,577</b>	<b>330,684 sf</b>

**SITE SUMMARY**

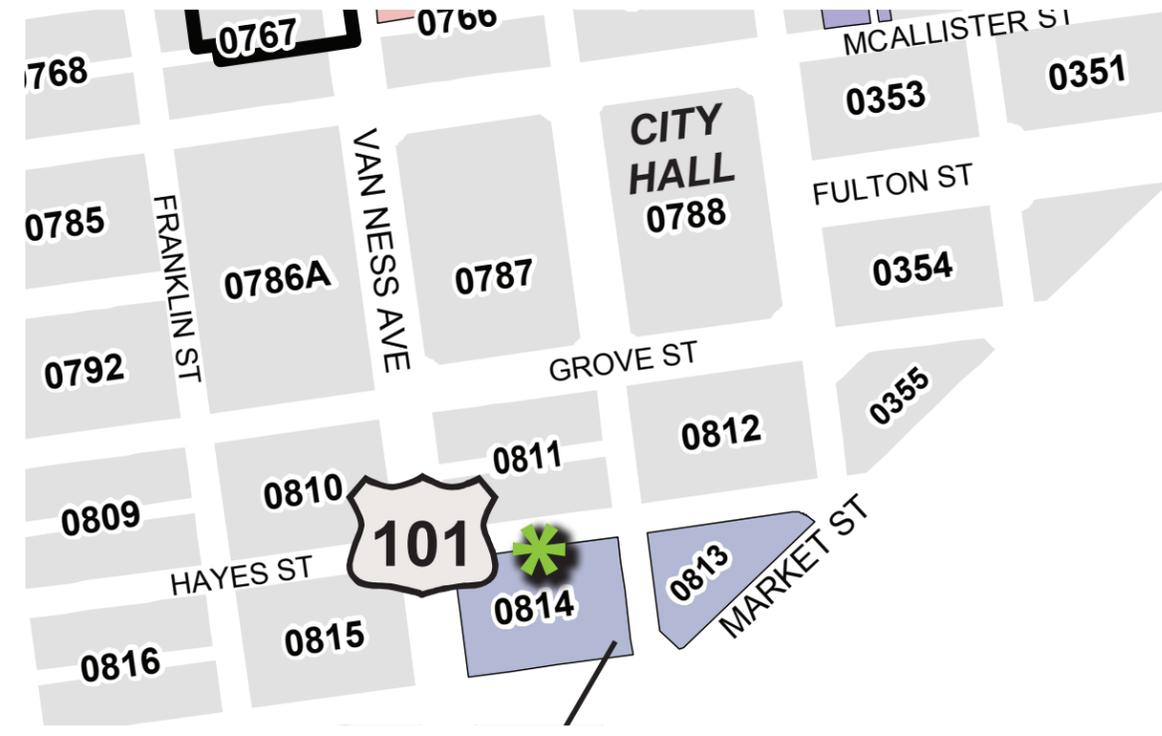
<b>CURRENT USE</b>	8 & 9 story commercial office building; surface parking lots
<b>PROPOSED USE</b>	13-story residential & retail building. Below-grade parking.
<b>SITE BOUNDARY</b>	Van Ness Avenue (on the west), Hayes Street (on the north) and Polk (on the east)
<b>SITE AREA</b>	46,490 sf
<b>ASSESSORS BLOCK</b>	BLOCK 0814; LOTS 1, 14, 15, 16, 21

<b>ZONING SUMMARY</b>	<b>SECTION</b>	<b>NOTES</b>
<b>ZONING DISTRICT</b>	Map ZN02	C-3-G; Downtown General Commercial District
<b>SPECIAL USE DISTRICTS</b>	Map 01	Market Octavia Area Plan
	Map SU02	Van Ness & Market Downtown Residential Special Use District
<b>HEIGHT / BULK</b>	Map HT02	120-R-2
<b>FLOOR AREA RATIO</b>	249.33.b.6.A	9 FAR (6 base, plus bonuses)
<b>LOT COVERAGE</b>	249.33.b.5	up to 80% for residential floors; 83.4% coverage provided on ground floor; 69.9% coverage provided on 3rd floor and above; exception requested
<b>DWELLING UNIT DENSITY</b>	249.33.b.2	no limit by lot area
<b>FRONT &amp; SIDE YARDS</b>		no requirements
<b>REAR YARD</b>	249.33.b.5	no requirements per VM DR SUD; maximum site coverage @ residential floors, 80%
<b>OPEN SPACE, Residential</b>	Table 135A	36 sf / unit if all private; 1.33 ratio for Common Usable Open Space
<b>PARKING</b>	Table 151.1	Residential: 1 space / 4 dwelling units , max.
	Table 151.1	Residential: 0.5 space / 1 dwelling units, 309 Exception
	Table 151.1	Non-residential: not required; not to exceed 7% of the gross area of the use
	Table 166	Car share, residential, 50-200 units: 1, plus 1 for every 200 dwelling units over 200
	Table 166	Car share, non-residential: 1 space per 50 non-residential spaces
	ADA	Accessible spaces: 201 to 300 spaces: 6 auto and one van accessible spaces
<b>BIKES</b>	155.2.11	Residential, Class 1, pending: > 100 dwelling units: 100 spaces plus 1 space for every 4 dwelling units over 100
	155.2.11	Residential, Class 2, pending: 1 per 20 dwelling units
	155.2.15	Retail Sales, Class 1, pending: 1 per 7,500 sf
	155.2.15	Retail Sales, Class 2, pending: 1 per 2,500 sf, minimum 2 spaces
<b>LOADING</b>	152.1	Residential: 200,001 - 500,000 sf: 2 loading spaces
	152.1	Retail: 10,001 - 30,000 sf: 1 loading space

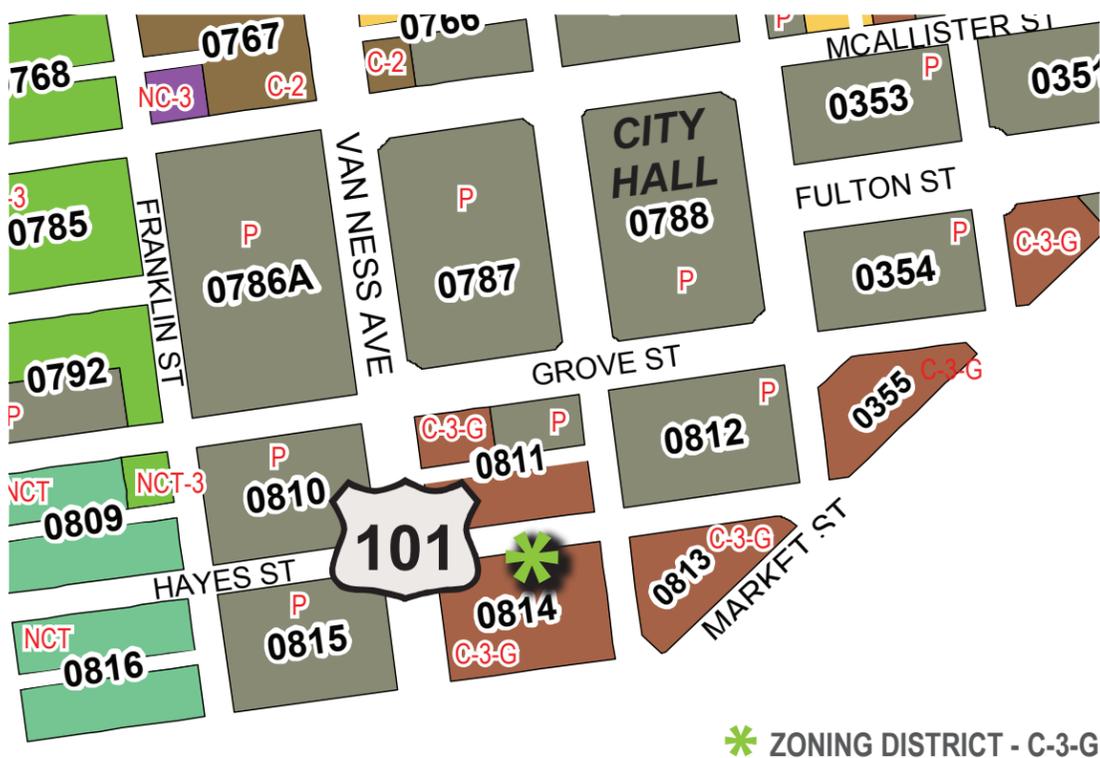




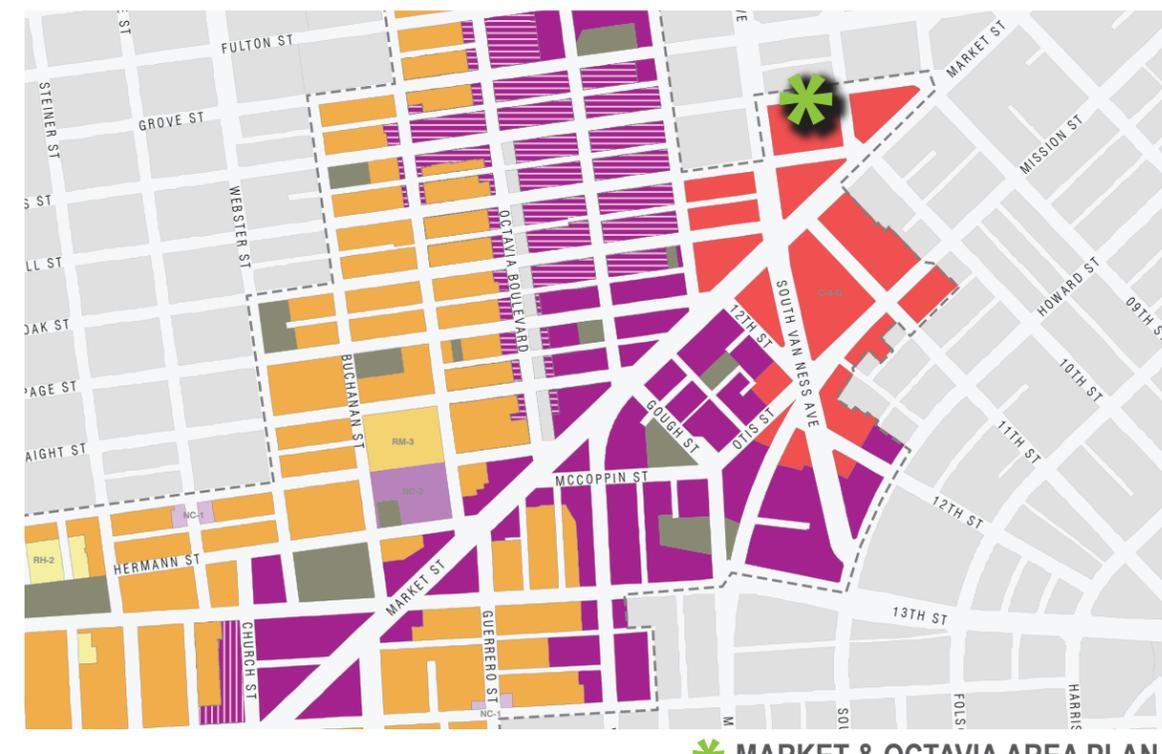
\* HEIGHT / BULK DISTRICT - 120-R-2



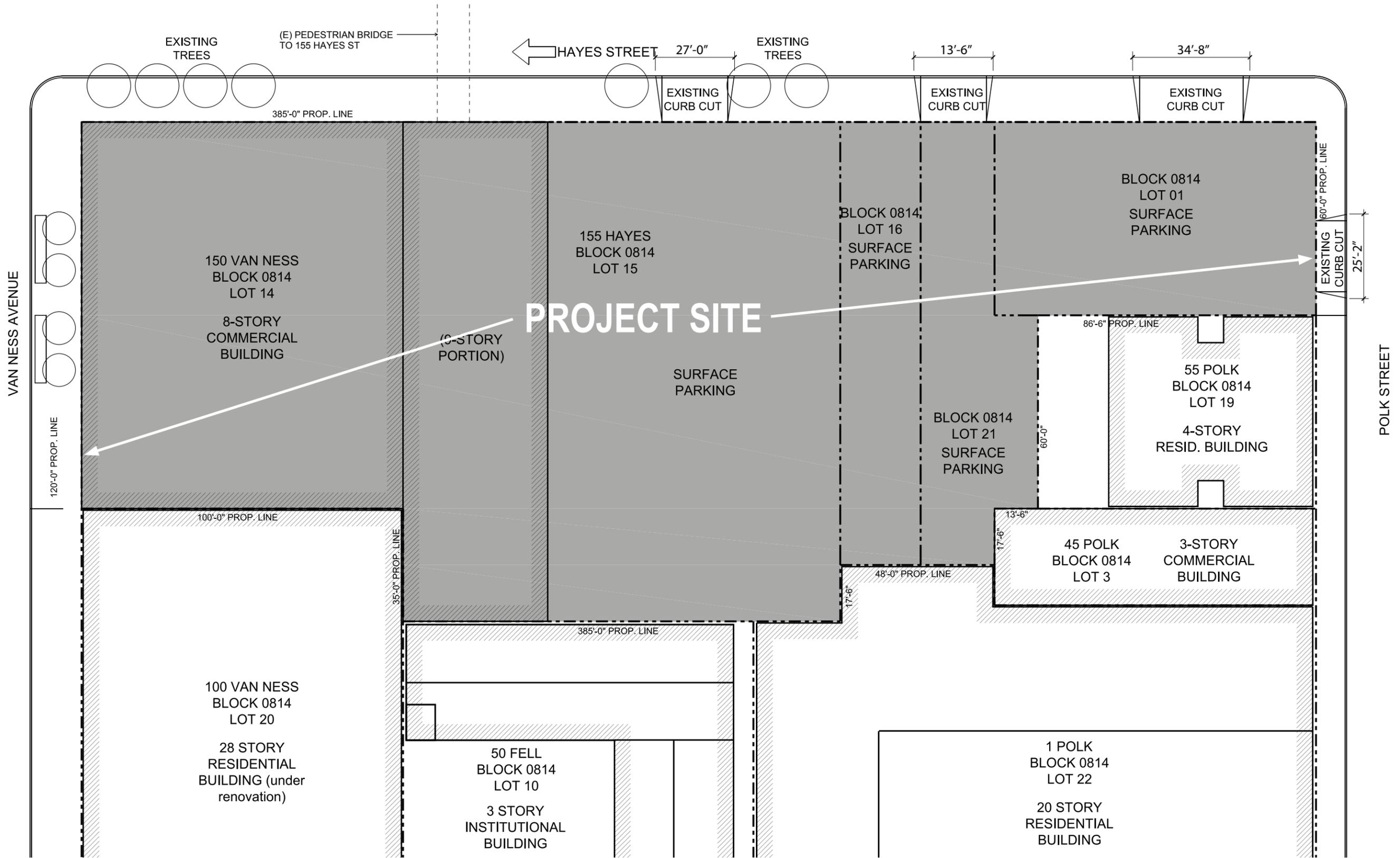
\* VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SUD



\* ZONING DISTRICT - C-3-G



\* MARKET & OCTAVIA AREA PLAN



03.06.2015

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# 150 VAN NESS

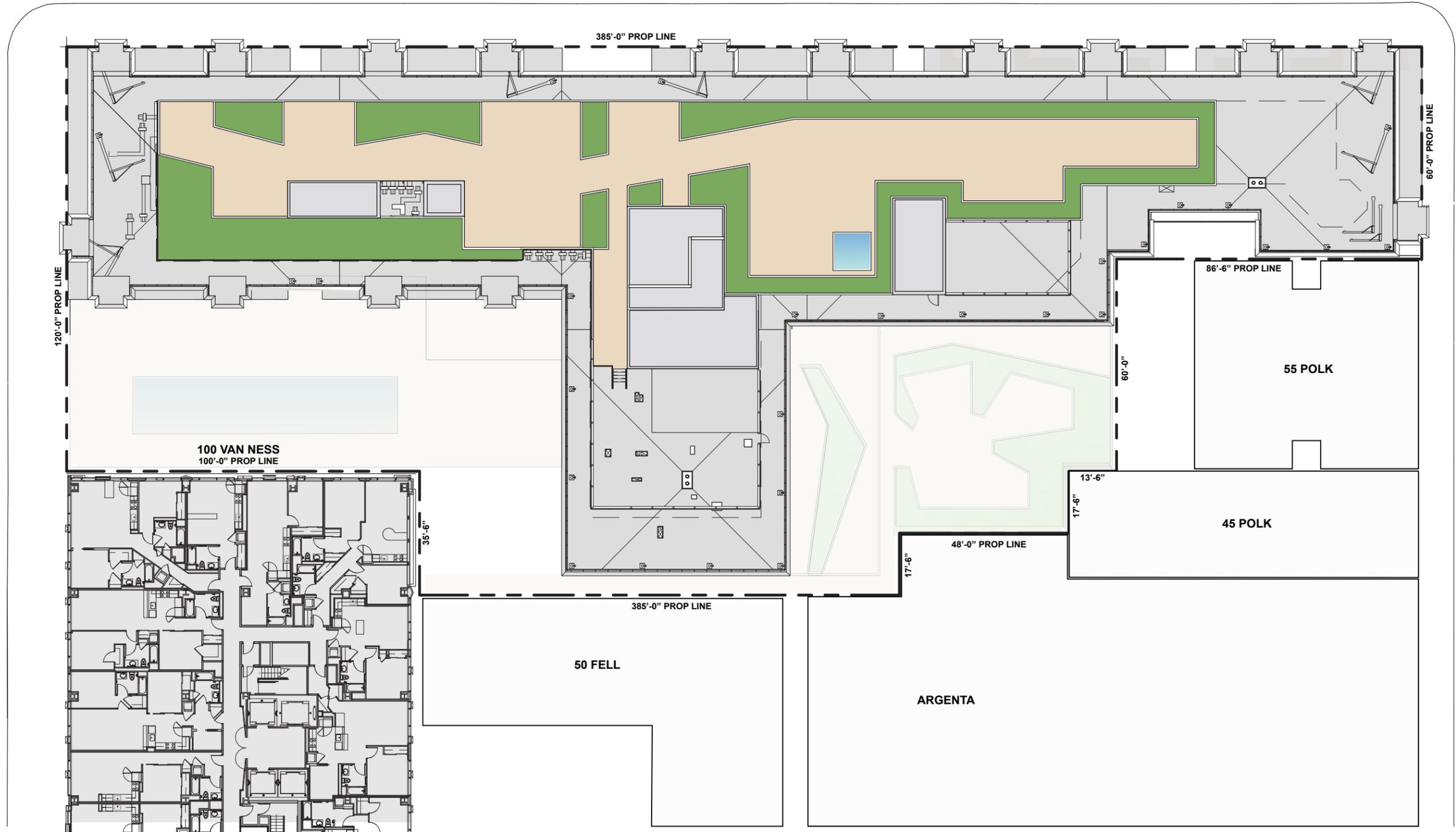
## EXISTING PLOT PLAN



HAYES STREET

VAN NESS AVENUE

POLK STREET



03.06.2015

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# 150 VAN NESS

## PROPOSED SITE PLAN





201 stackers  
 1 regular parking  
 8 ADA (1 Van)

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210 parking total

---

4 car share  
 2 service vehicles (SV)



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# 150 VAN NESS 1 LEVEL GARAGE WITH STACKERS



VAN NESS AVENUE

HAYES STREET

POLK STREET

100 VAN NESS

50 FELL

55 POLK

45 POLK

ARGENTA

33'-7"  
(N) CURBCUT



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# 150 VAN NESS

## GROUND FLOOR PLAN

HAYES STREET

VAN NESS AVENUE

POLK STREET



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# 150 VAN NESS

## SECOND FLOOR PLAN

HAYES STREET

VAN NESS AVENUE

POLK STREET



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# 150 VAN NESS

## THIRD FLOOR PLAN



HAYES STREET



VAN NESS AVENUE

POLK STREET



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# 150 VAN NESS

4th - 11th FLOOR PLAN



HAYES STREET



VAN NESS AVENUE

POLK STREET



# 150 VAN NESS



HAYES STREET

VAN NESS AVENUE

POLK STREET



100 VAN NESS

50 FELL

ARGENTA

45 POLK

55 POLK



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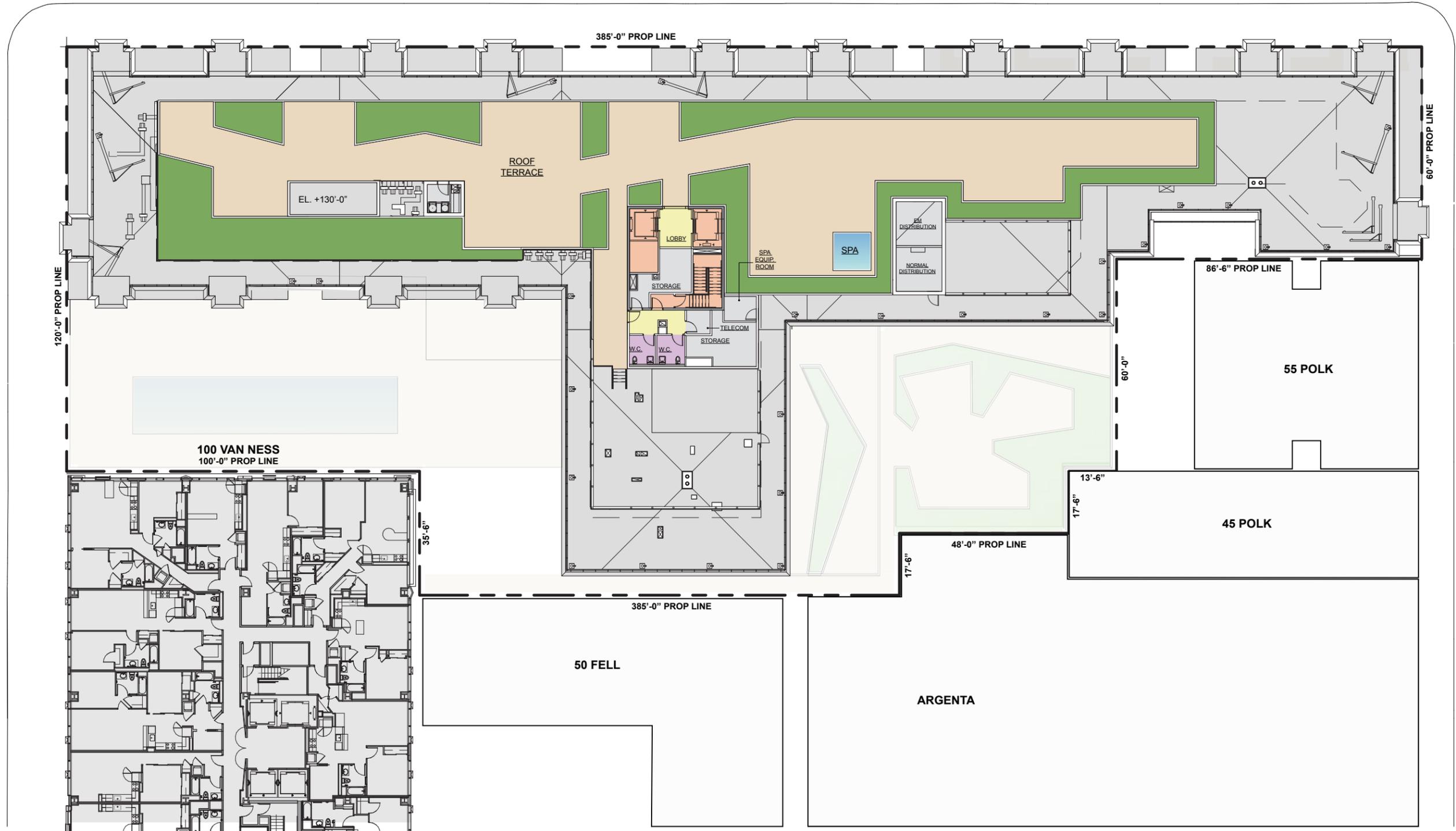
# 150 VAN NESS

## 13th FLOOR PLAN

HAYES STREET

VAN NESS AVENUE

POLK STREET



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# 150 VAN NESS



ROOF PLAN

HAYES STREET

EL. +120'-0", MEASURED TO AVERAGE ROOF SLOPE

385'-0" PROP LINE

3'-0" HIGH LANDSCAPING ALLOWED PER SEC. 260 (b)(2)(E)

ROOF TERRACE

EL. +145'-0", HEIGHT EXEMPTION REQUIRED FOR ELEVATOR OVER RUN

EL. +130'-0"

SPA

EL. +140'-0"

120'-0" PROP LINE

60'-0" PROP LINE

VAN NESS AVENUE

100 VAN NESS  
100'-0" PROP LINE

55 POLK

POLK STREET

45 POLK

13'-6"  
17'-6"

48'-0" PROP LINE

35'-6"

385'-0" PROP LINE

50 FELL

ARGENTA



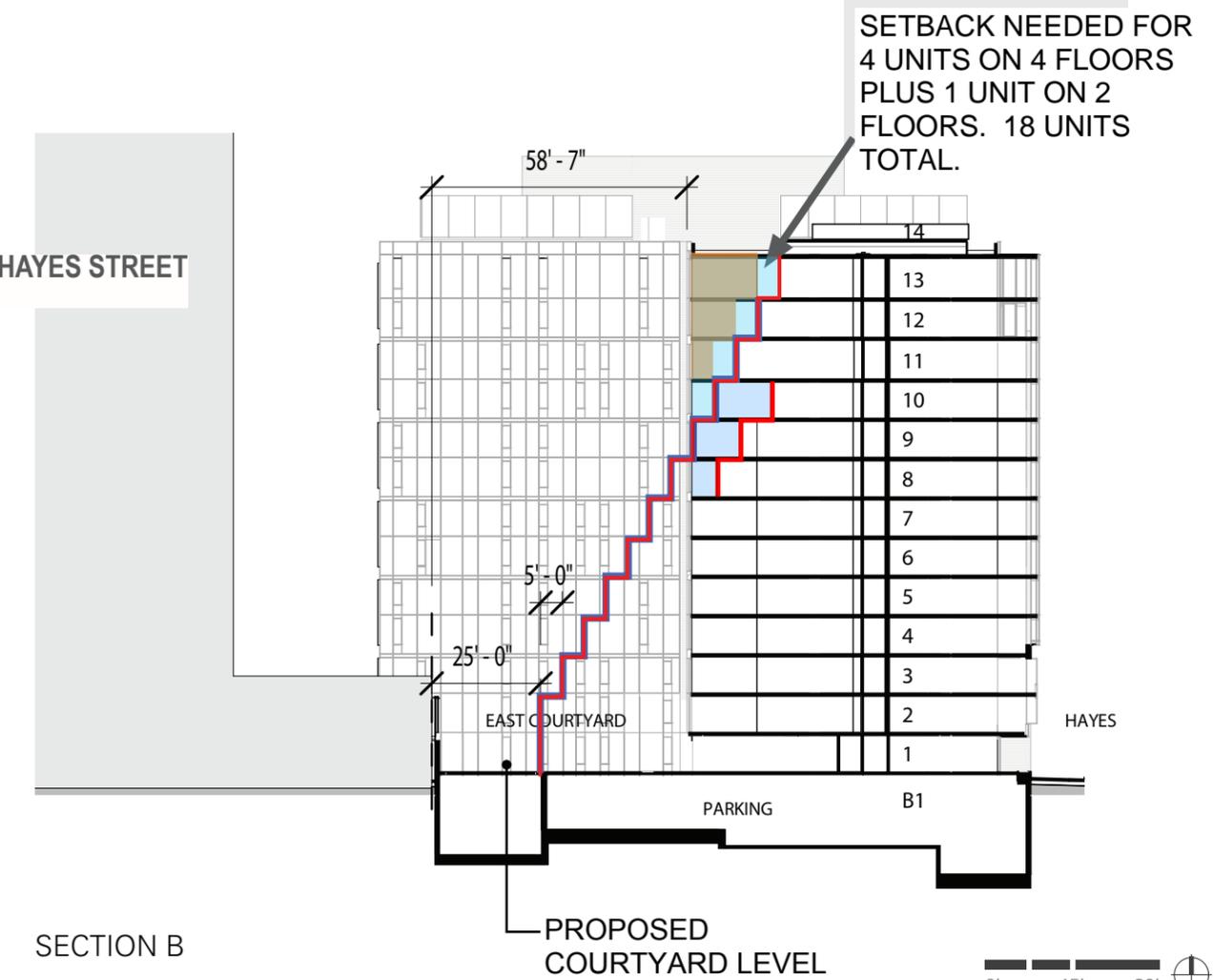
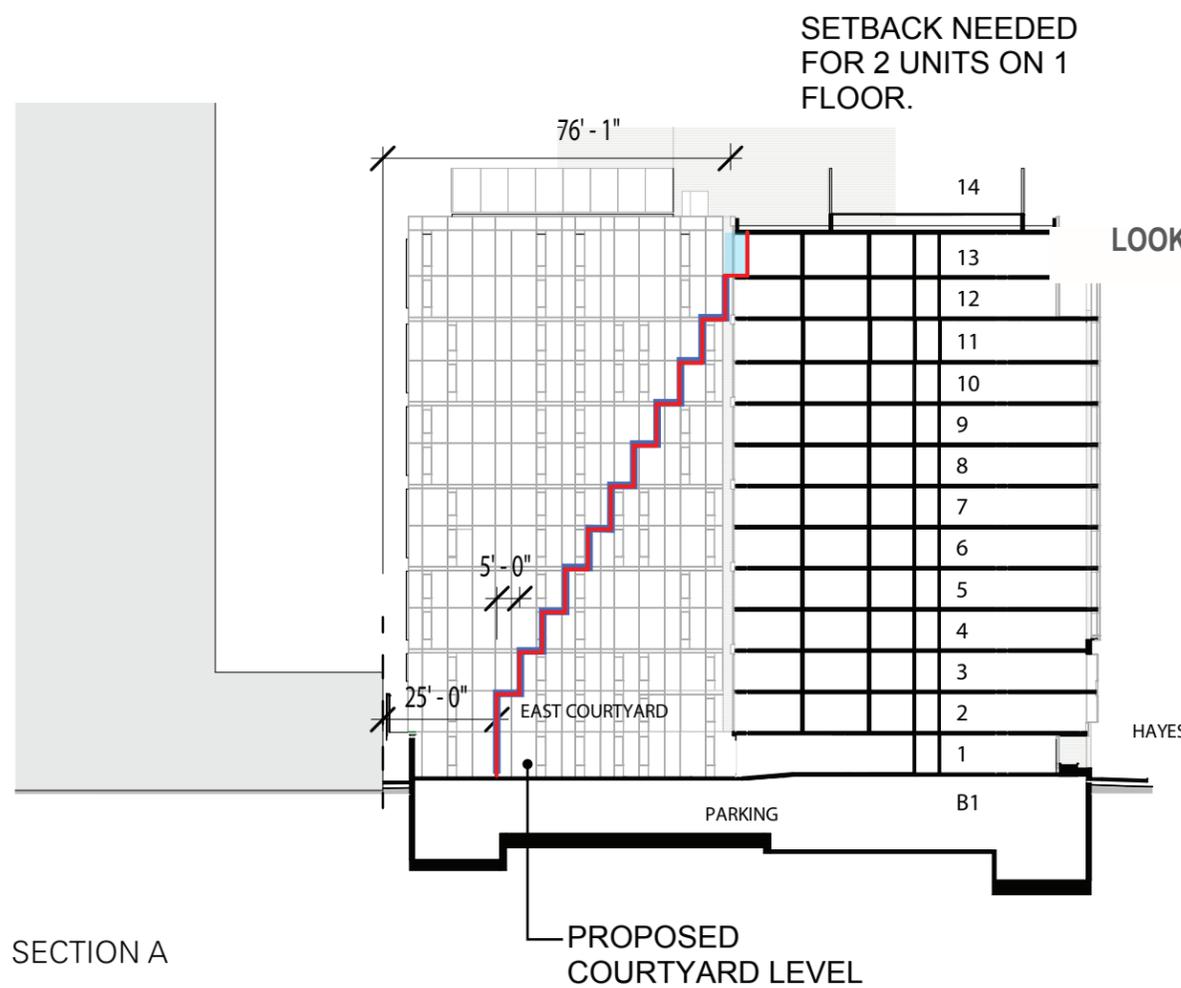
03.06.2015

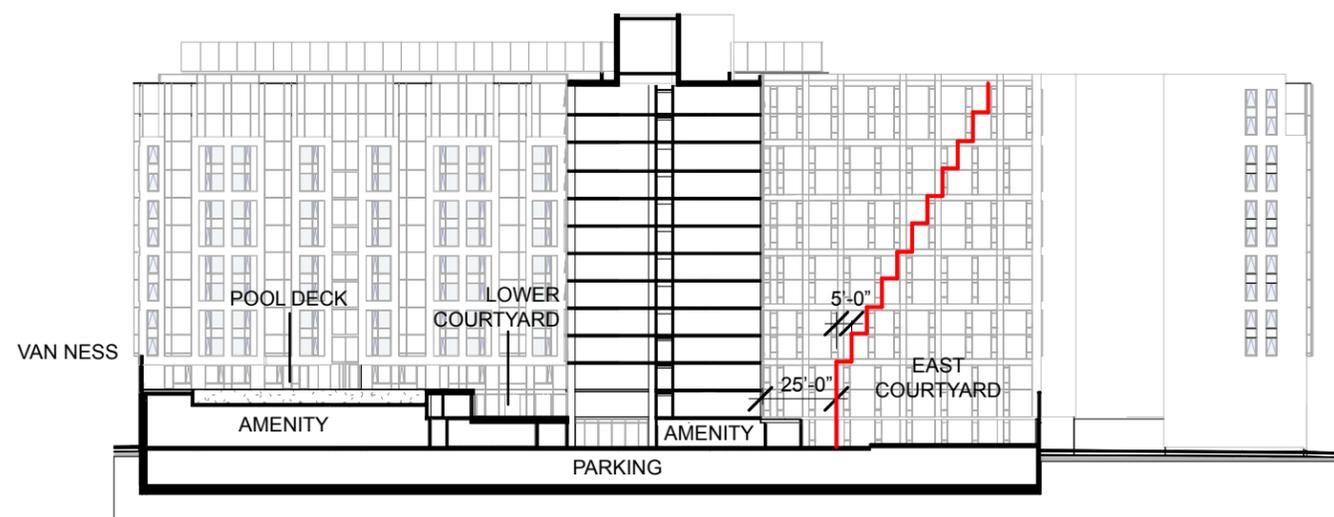
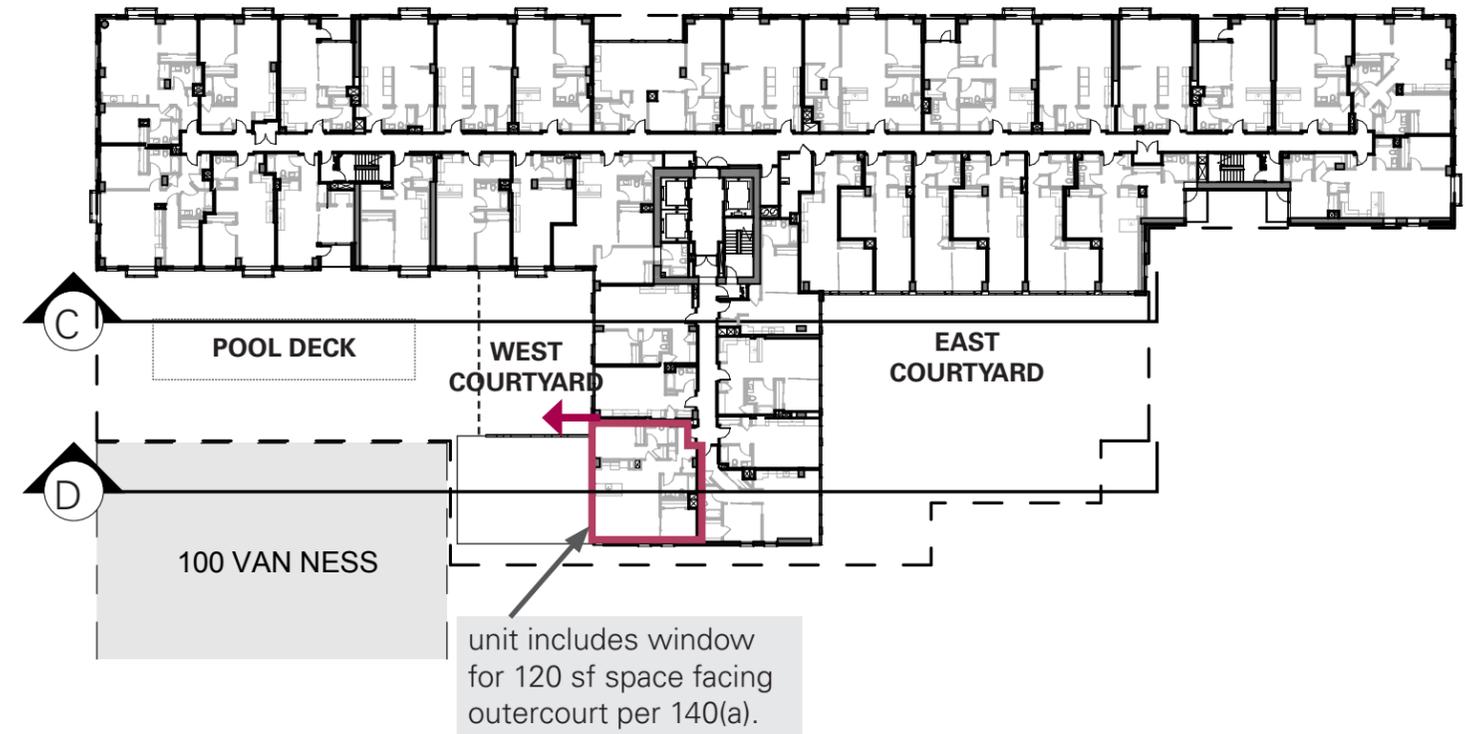
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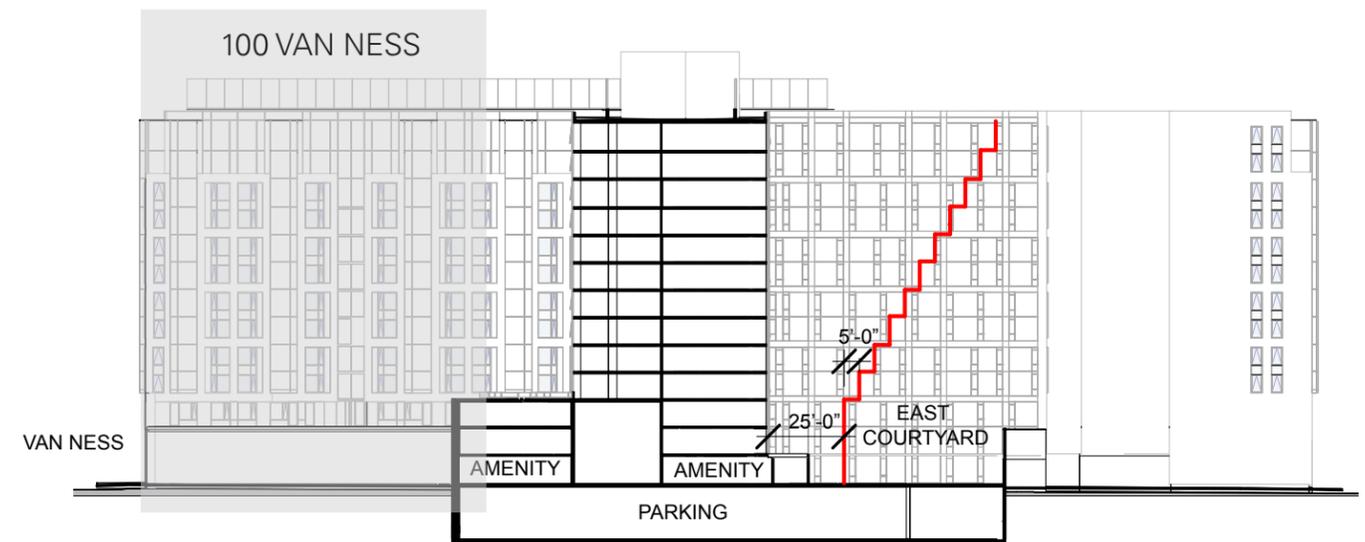
# 150 VAN NESS

## BUILDING HEIGHT





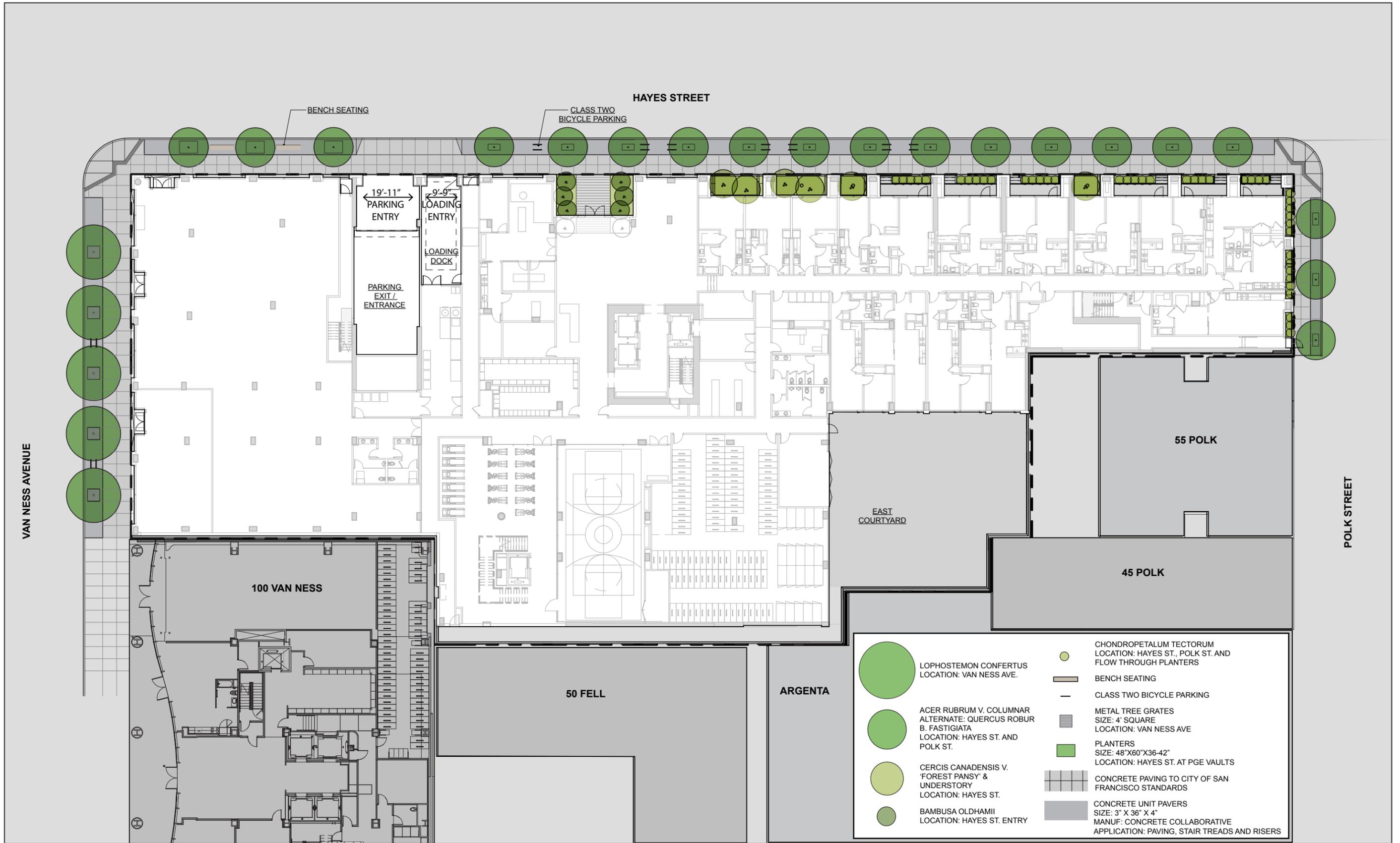
SECTION C



SECTION D

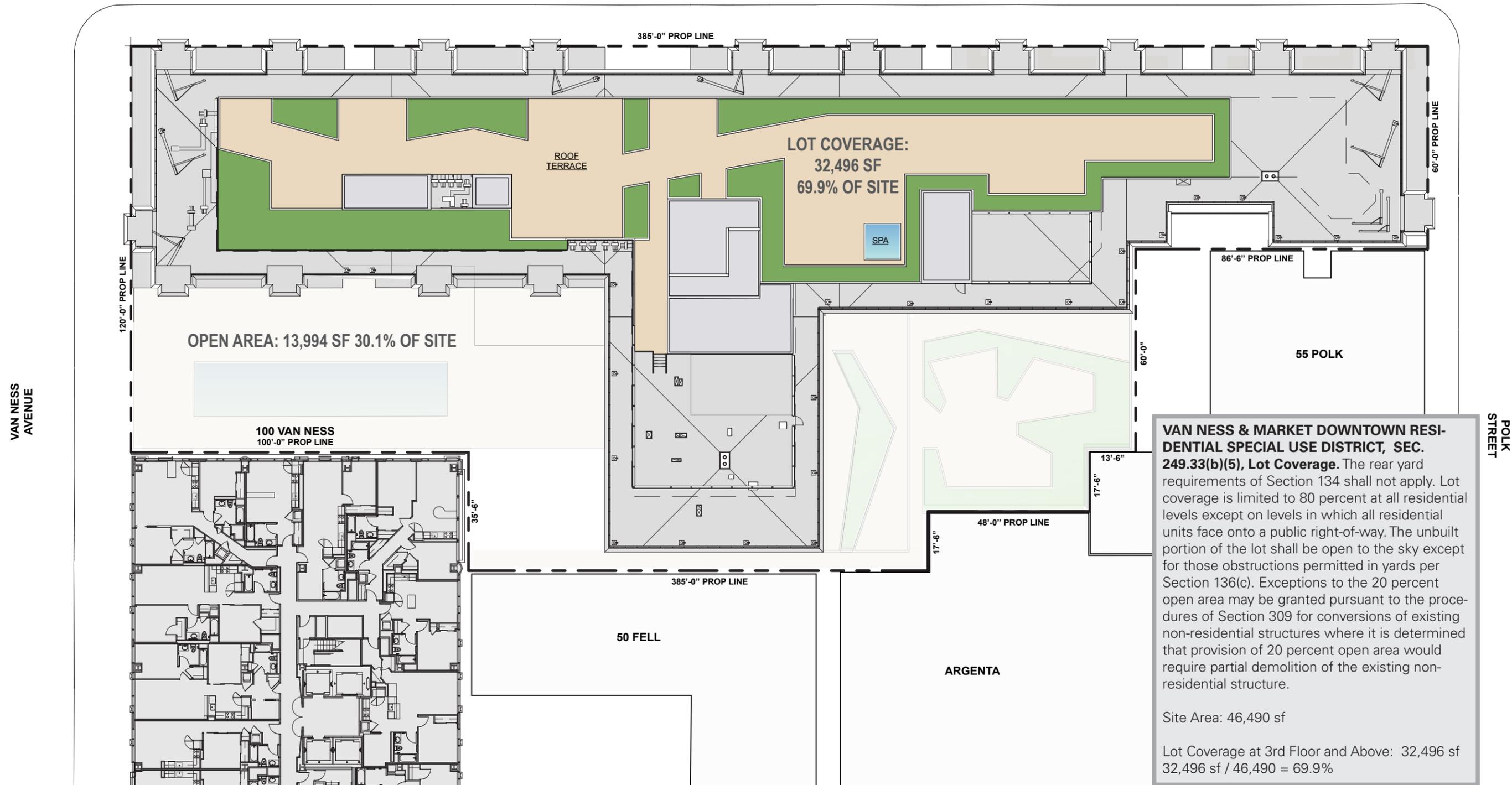
← 120 sf room facing court







HAYES STREET



LOT COVERAGE:  
32,496 SF  
69.9% OF SITE

OPEN AREA: 13,994 SF 30.1% OF SITE

100 VAN NESS  
100'-0" PROP LINE

50 FELL

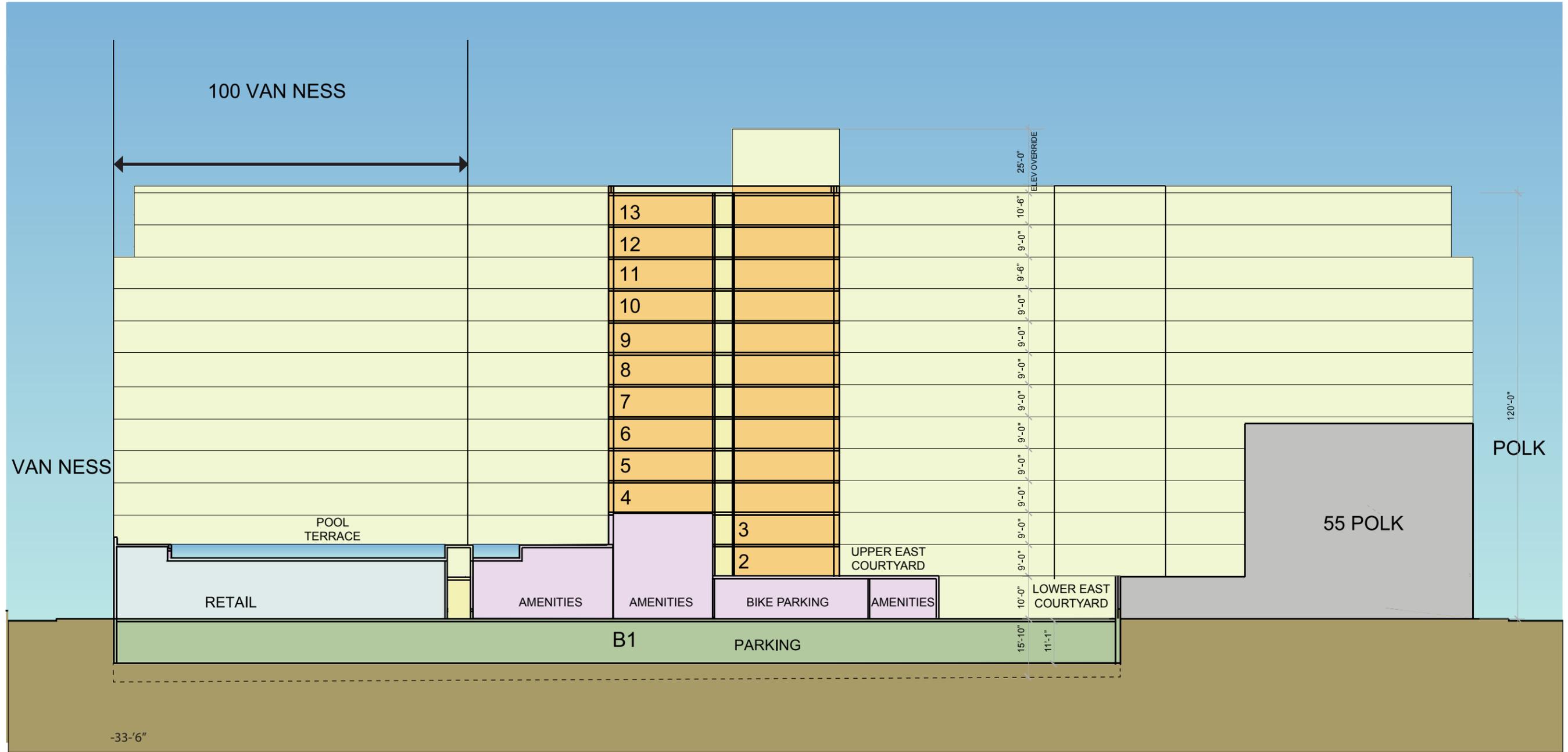
ARGENTA

55 POLK

**VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, SEC. 249.33(b)(5), Lot Coverage.** The rear yard requirements of Section 134 shall not apply. Lot coverage is limited to 80 percent at all residential levels except on levels in which all residential units face onto a public right-of-way. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards per Section 136(c). Exceptions to the 20 percent open area may be granted pursuant to the procedures of Section 309 for conversions of existing non-residential structures where it is determined that provision of 20 percent open area would require partial demolition of the existing non-residential structure.

Site Area: 46,490 sf

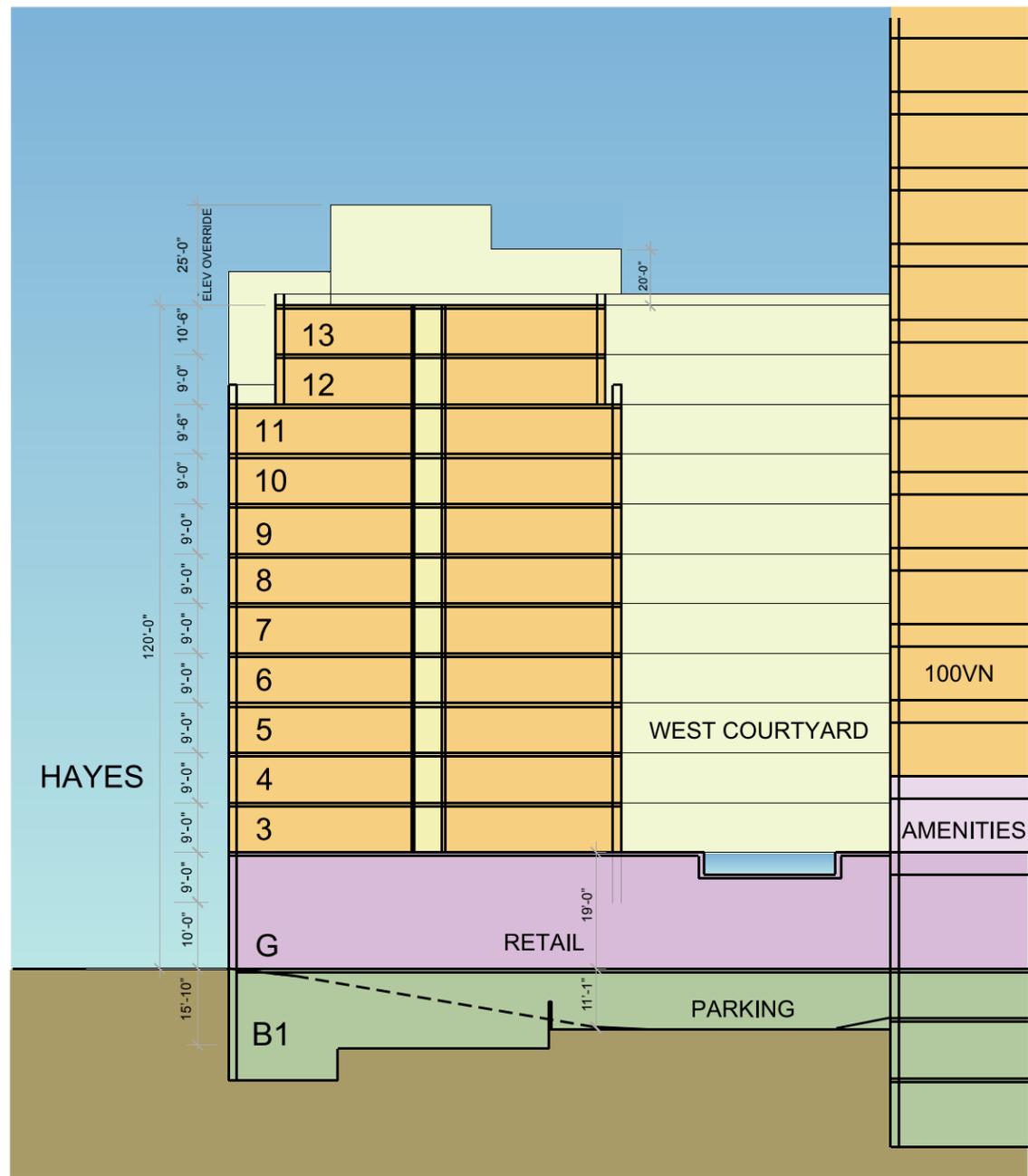
Lot Coverage at 3rd Floor and Above: 32,496 sf  
32,496 sf / 46,490 = 69.9%



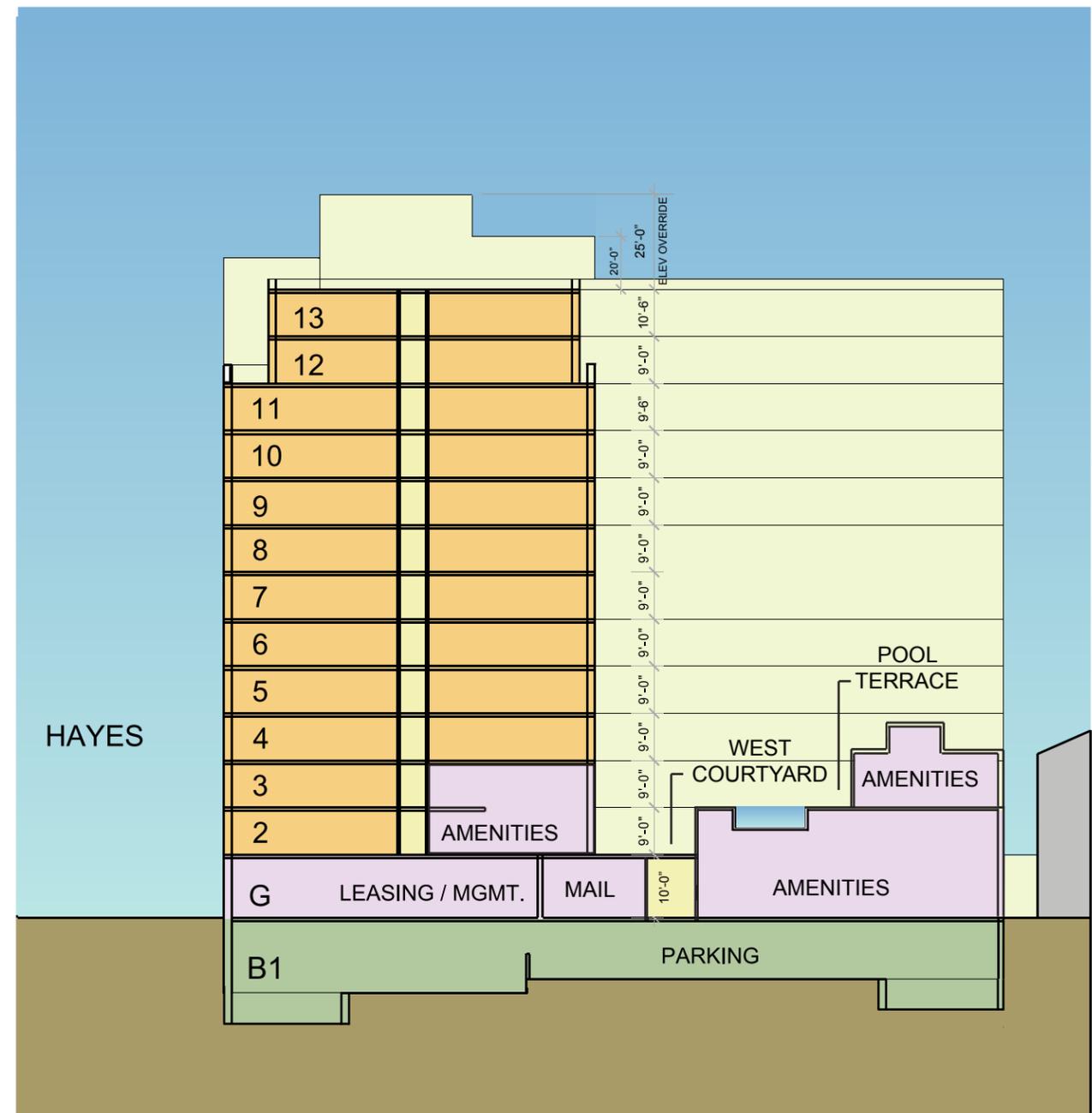
SECTION 1



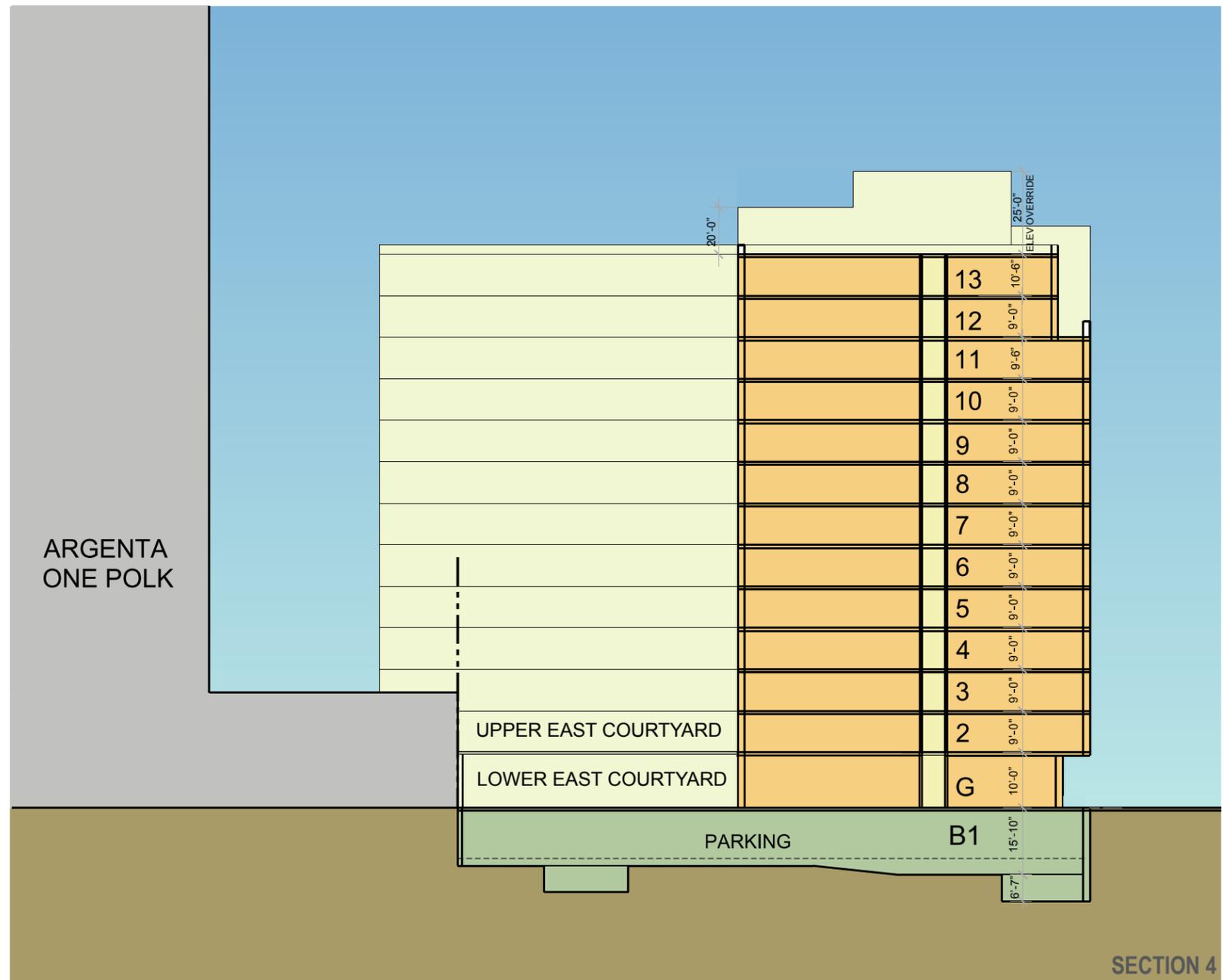
# 150 VAN NESS



SECTION 2



SECTION 3



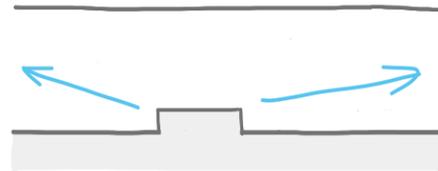
1



- Historical and Contemporary use of 'Bay windows' are a distinctive San Francisco typology.
- Bay windows will provide views down Hayes street



1020 Pine Street  
San Francisco



2



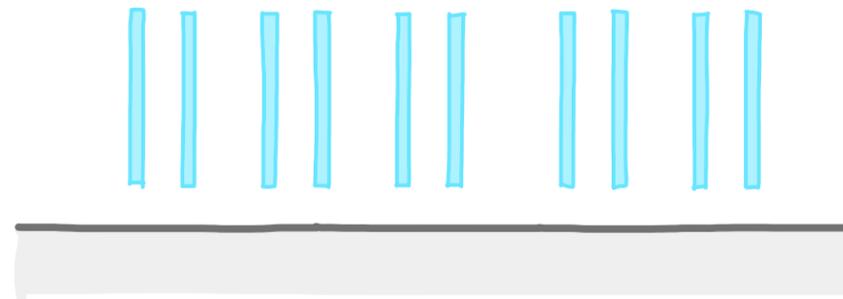
- Create a family of buildings to break the scale.

Foundry Square  
San Francisco



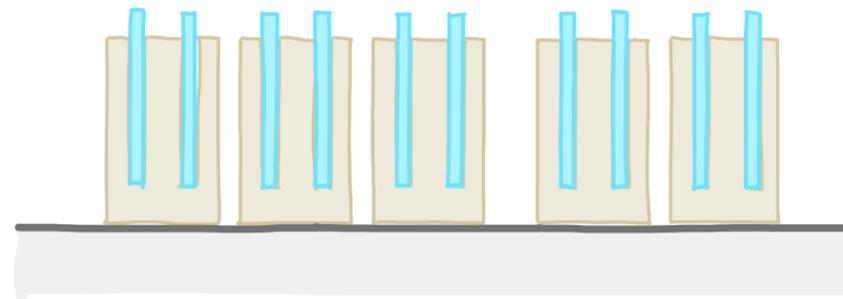
Central Saint Giles  
London

3



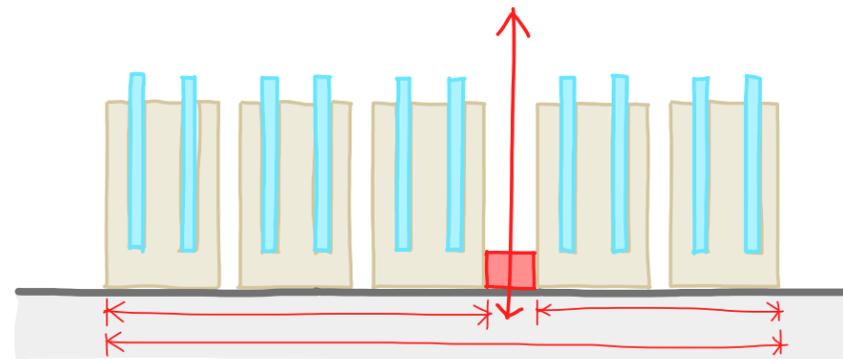
- Use rhythm of paired vertical bay's to articulate facade along Hayes street.
- Provide views up and down Hayes Street.
- Break the flatness of the property line wall.

4



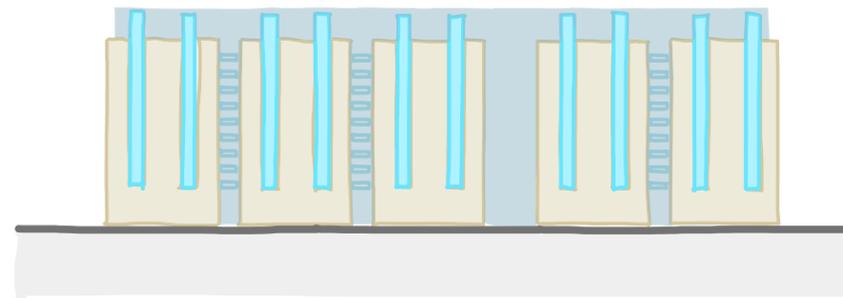
- Divide building mass into 5 volumes, to further break scale of block long building.
- Provide out door spaces on top of solid masses.

5

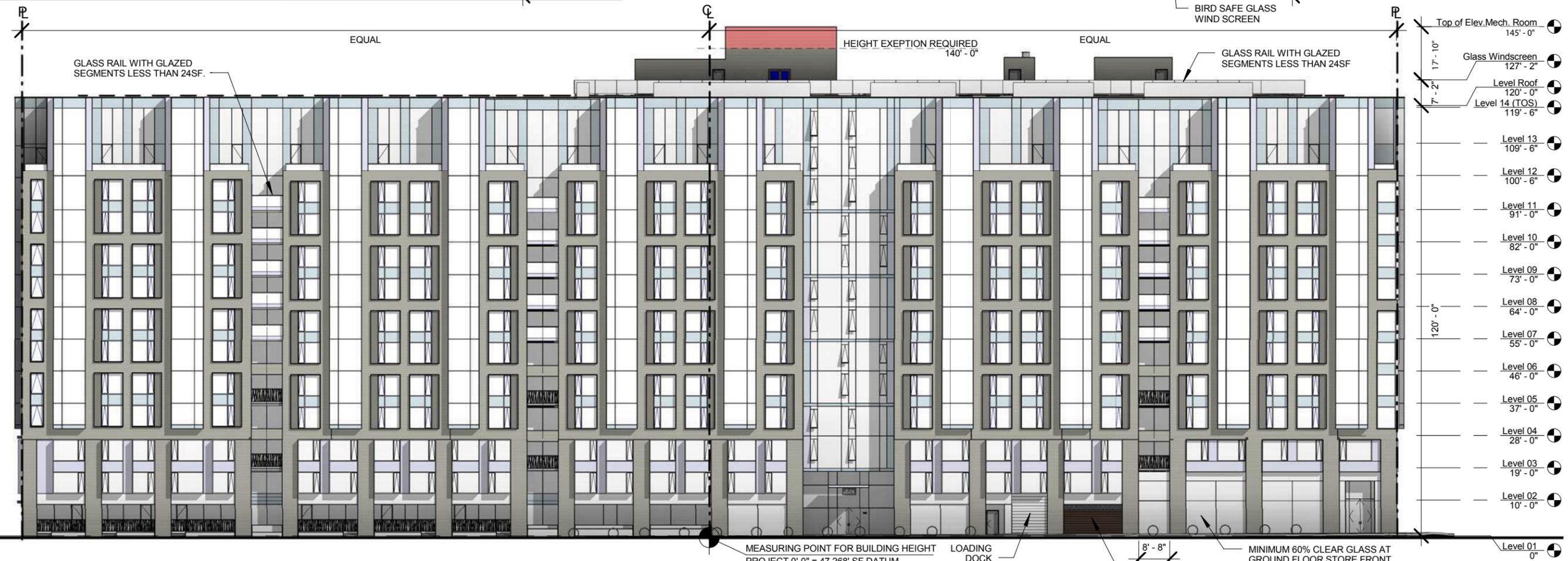
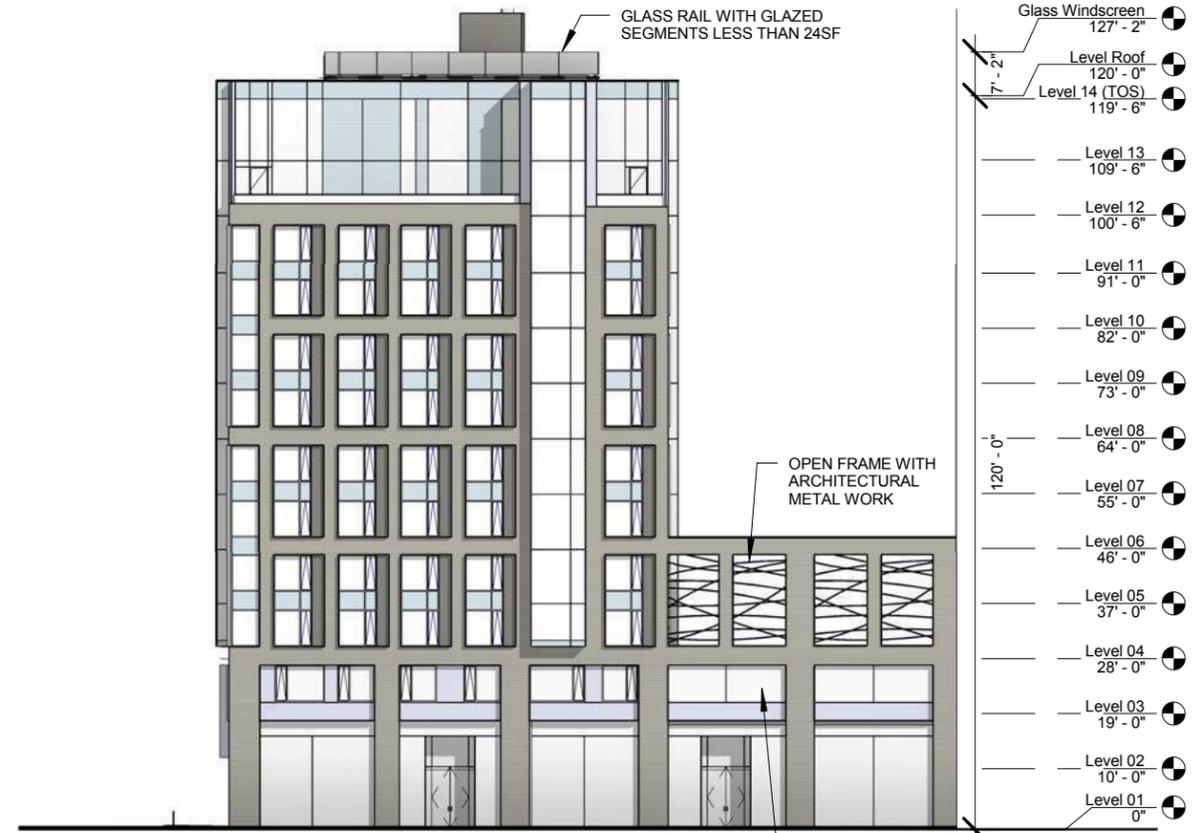


- Use a 3/5, 2/5 massing split to create a break in the building, biased toward Van Ness Avenue, that marks the main residential lobby entrance.

6

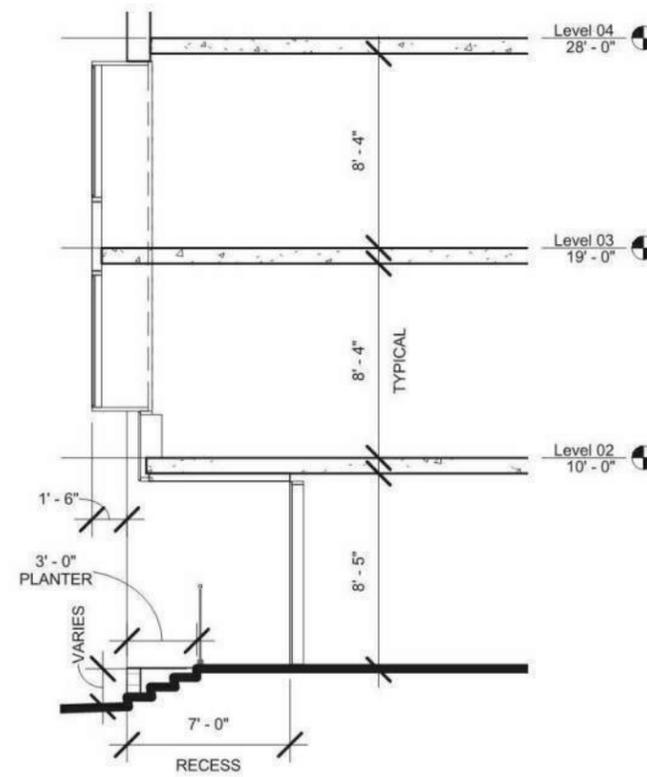


- Unifying upper mass rendered in glass to contrast with the heavier base of the building.
- Infill between building masses with balcony stacks, providing private outdoor space
- 150 Van Ness acts as a bridge: the upper section relates to the glassiness of 100 Van Ness , the lower section to 101 Polk and the historic core.





CITY OF SAN FRANCISCO PRECEDENT

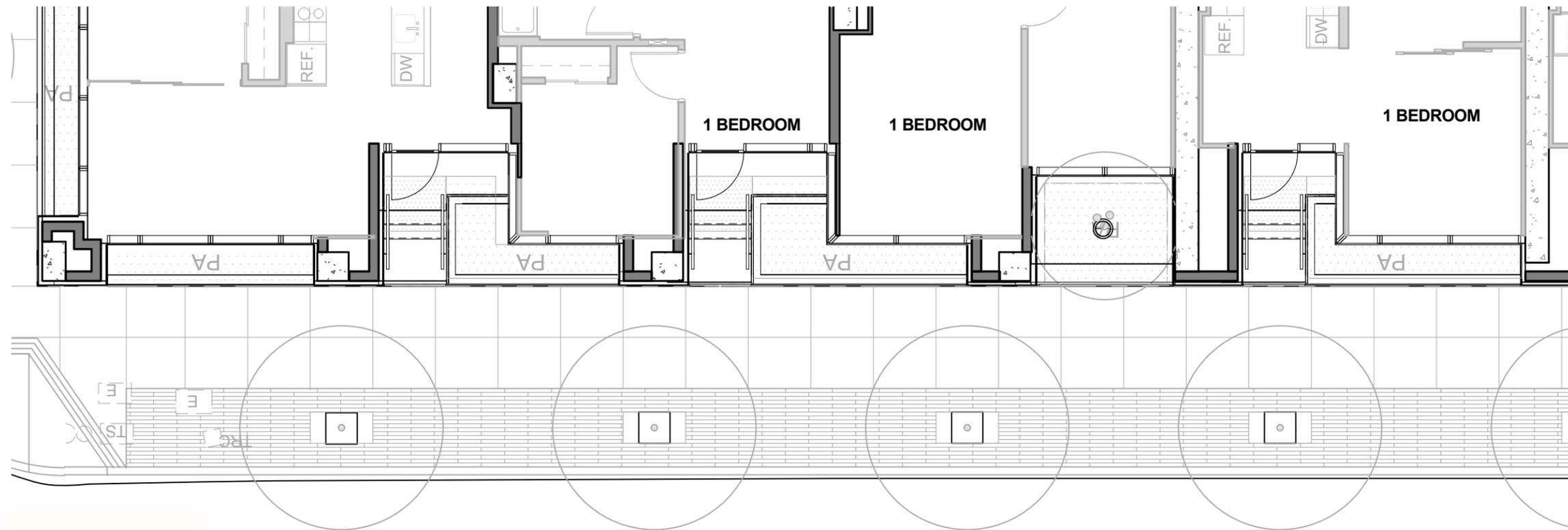


planning PPA comment: P16 item 2. raise 3' and set back 7' or setback 8-9'. Refer to 'guidelines for ground floor residential design'

WALK UP UNIT - SECTION



WALK UP UNIT - SECTIONAL PERSPECTIVE



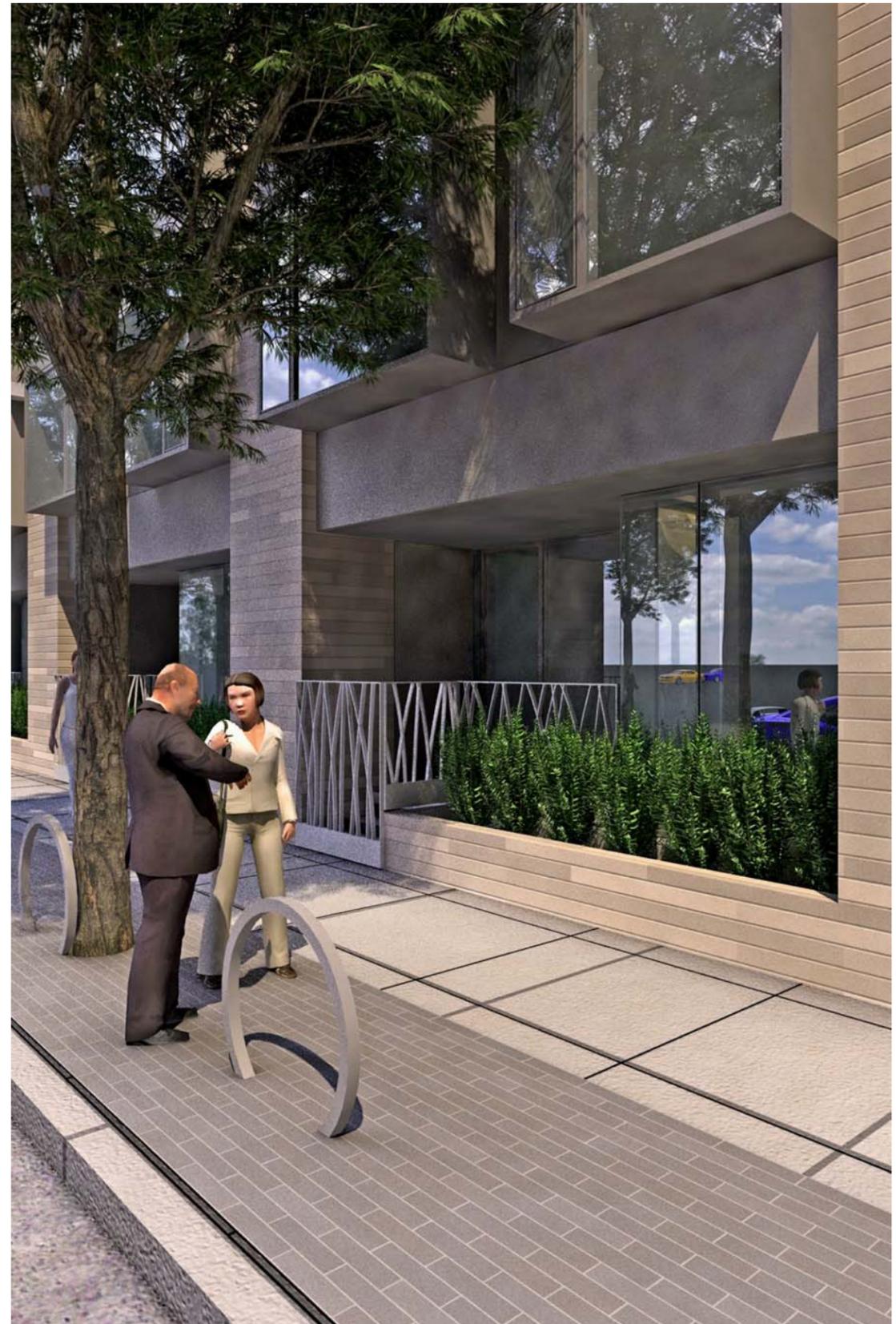
PARTIAL HAYES STREET PLAN



PARTIAL HAYES STREET ELEVATION



LOOKING WEST ALONG HAYES STREET



LOOKING EAST ALONG HAYES STREET



03.06.2015

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# 150 VAN NESS

HAYES STREET ENTRANCES



VIEW FROM VAN NESS AT HAYES STREET



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# 150 VAN NESS

PERSPECTIVE VIEW



VIEW ALONG HAYES ST. AT POLK ST.



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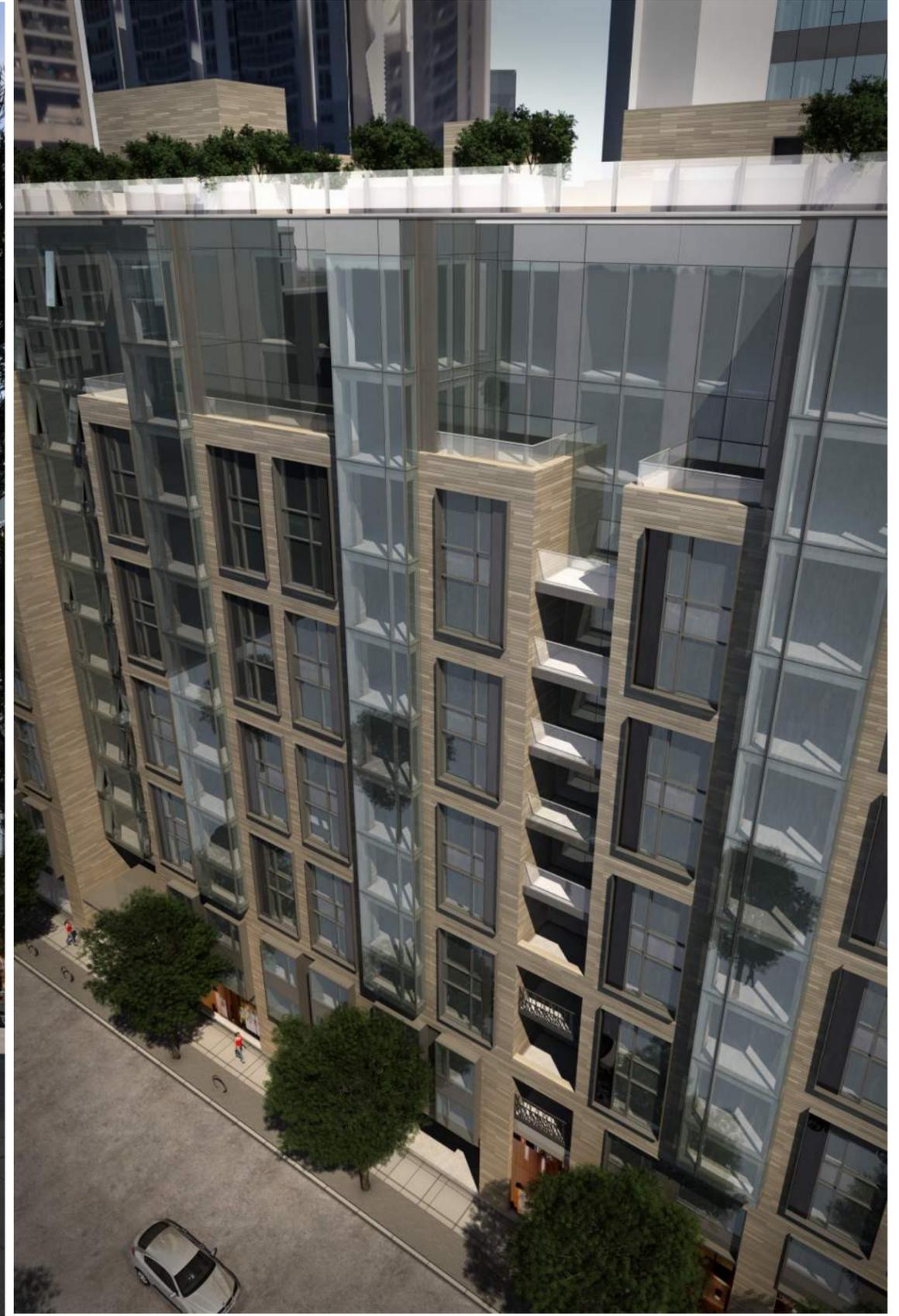


# 150 VAN NESS

PERSPECTIVE VIEW



ENTRANCE



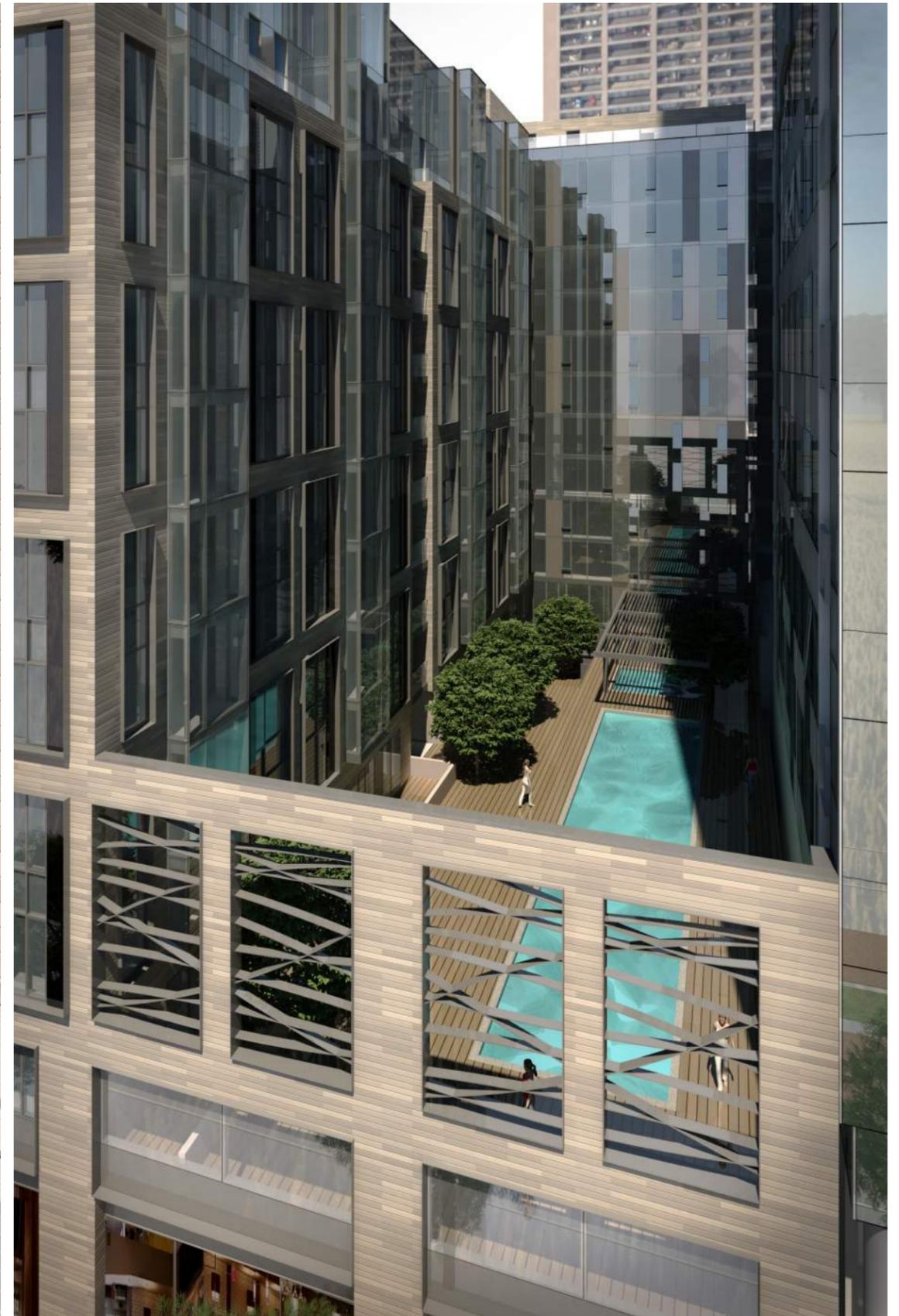
DETAIL VIEWS



# 150 VAN NESS



WALK UP UNIT ENTRY



AMENITY DECK



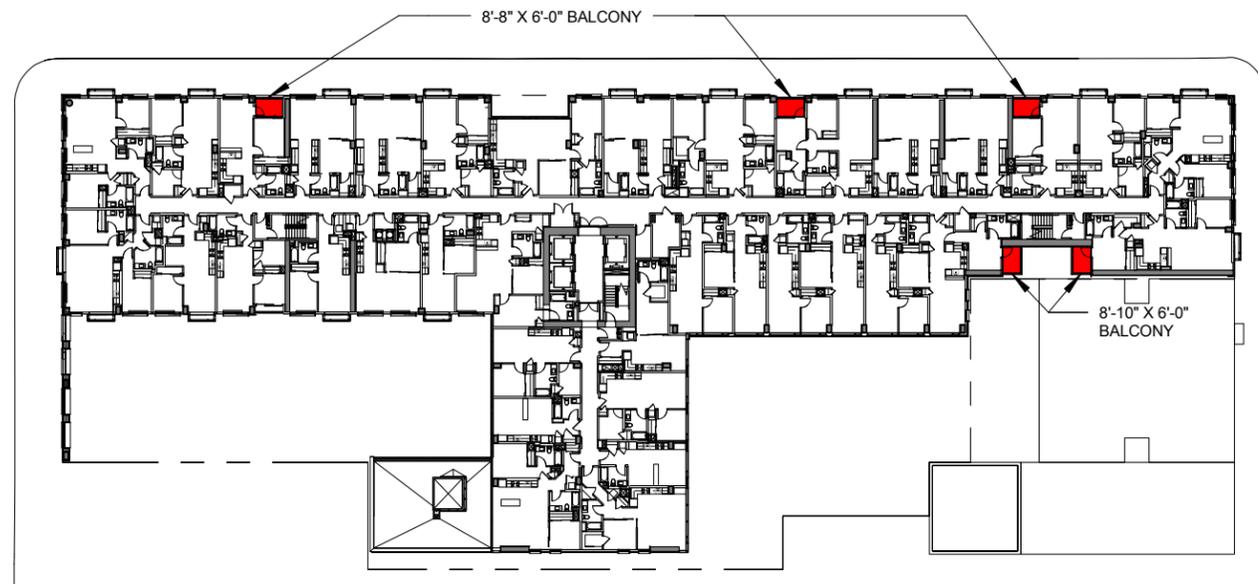


AERIAL VIEW



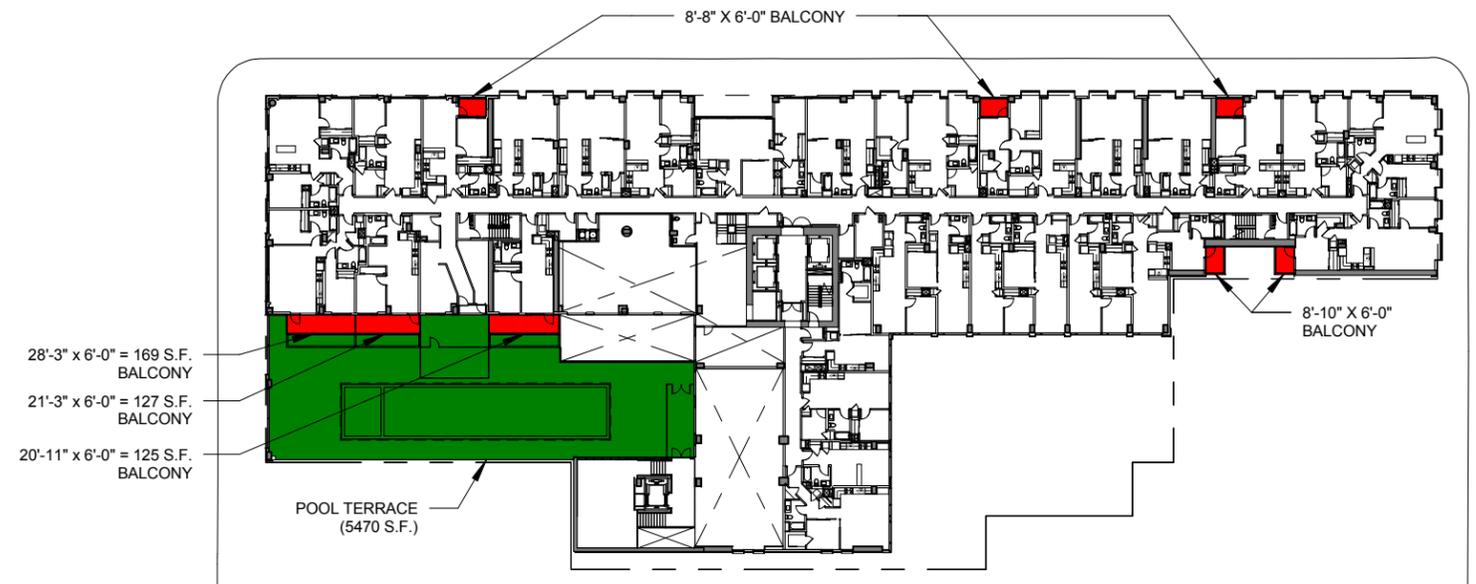
# 150 VAN NESS

PERSPECTIVE VIEW



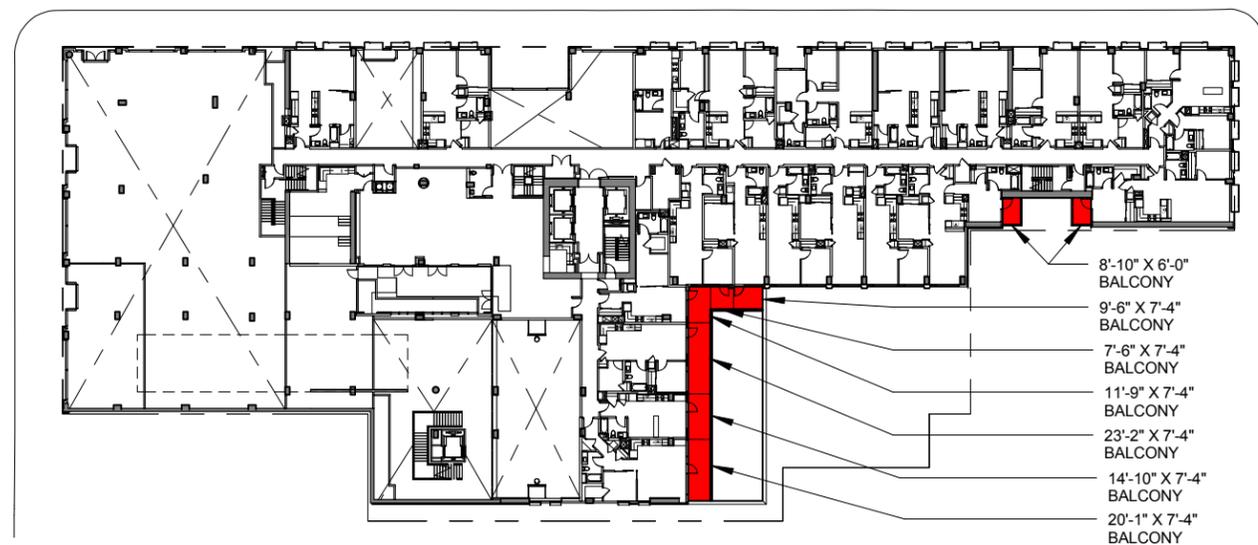
**LEVEL 04 -11 PLAN - OPEN SPACE**

**PRIVATE BALCONIES - 5**



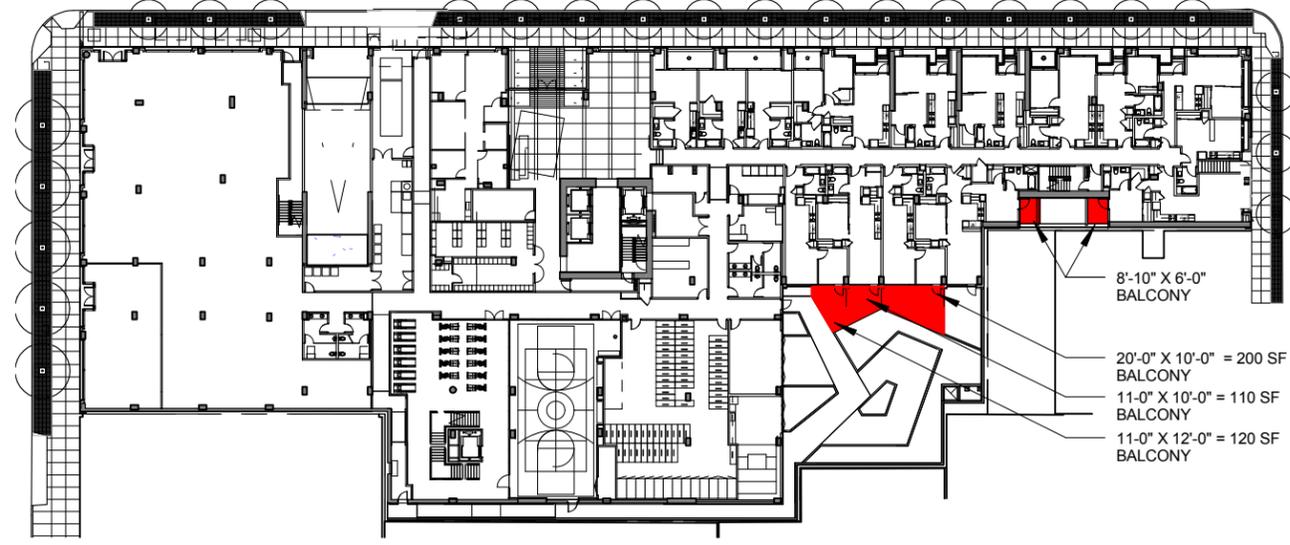
**LEVEL 03 PLAN - OPEN SPACE**

**PRIVATE BALCONIES - 8**



**LEVEL 02 PLAN - OPEN SPACE**

**PRIVATE BALCONIES - 8**



**LEVEL 01 PLAN - OPEN SPACE**

**PRIVATE BALCONIES - 5**

**PRIVATE OPEN SPACE**

LEVEL 1 = 5 BALCONIES  
 LEVEL 2 = 8 BALCONIES  
 LEVEL 3 = 8 BALCONIES  
 LEVEL 4 - 11(X8) = 5 BALCONIES (40 TOTAL)  
 LEVEL 12 = 16 BALCONIES  
 LEVEL 13 = 2 BALCONIES  
 ROOF = 0 BALCONIES

**TOTAL = 79 BALCONIES**

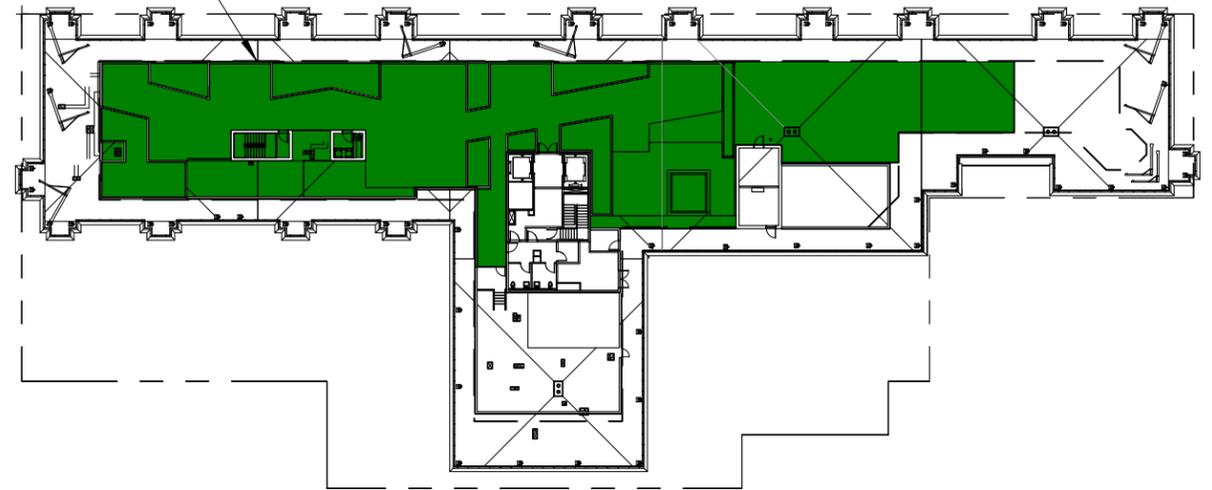
**COMMON OPEN SPACE**

LEVEL 1 = 0 S.F.  
 LEVEL 2 = 0 S.F.  
 LEVEL 3 = 5470 S.F.  
 LEVEL 4 = 0 S.F.  
 LEVEL 12 = 0 S.F.  
 LEVEL 13 = 0 S.F.  
 150 VAN NESS ROOF = 10,898 S.F.

**TOTAL = 16,368 S.F.**

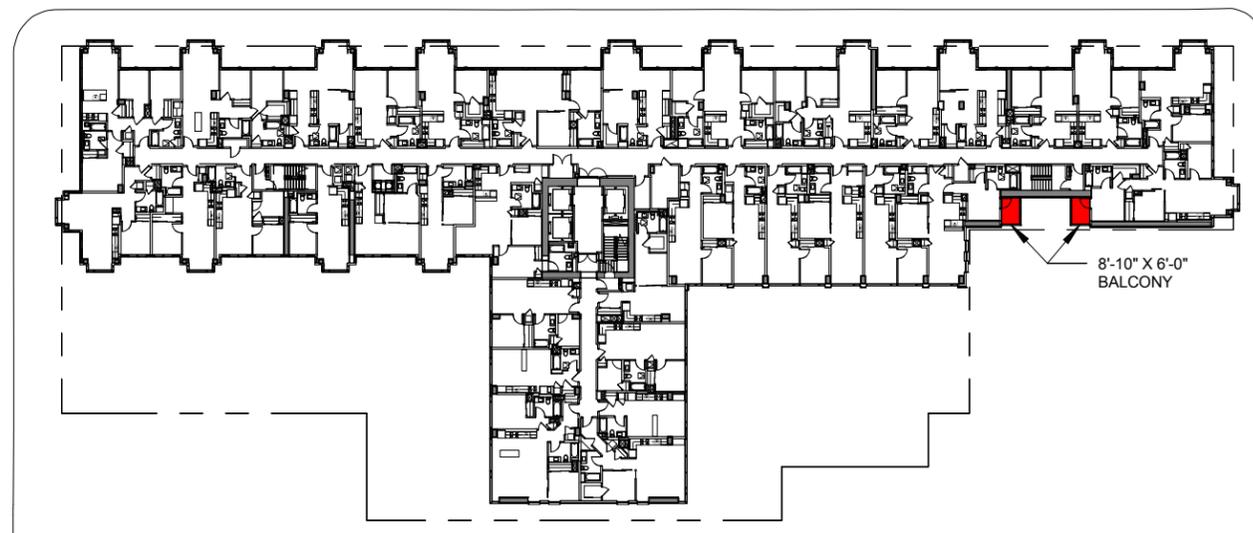
100 VAN NESS OPEN SPACE = 864 S.F.

ROOF TERRACE (11,762 S.F.)  
 10,898 S.F. FOR 150 VN  
 864 S.F. FOR 100VN



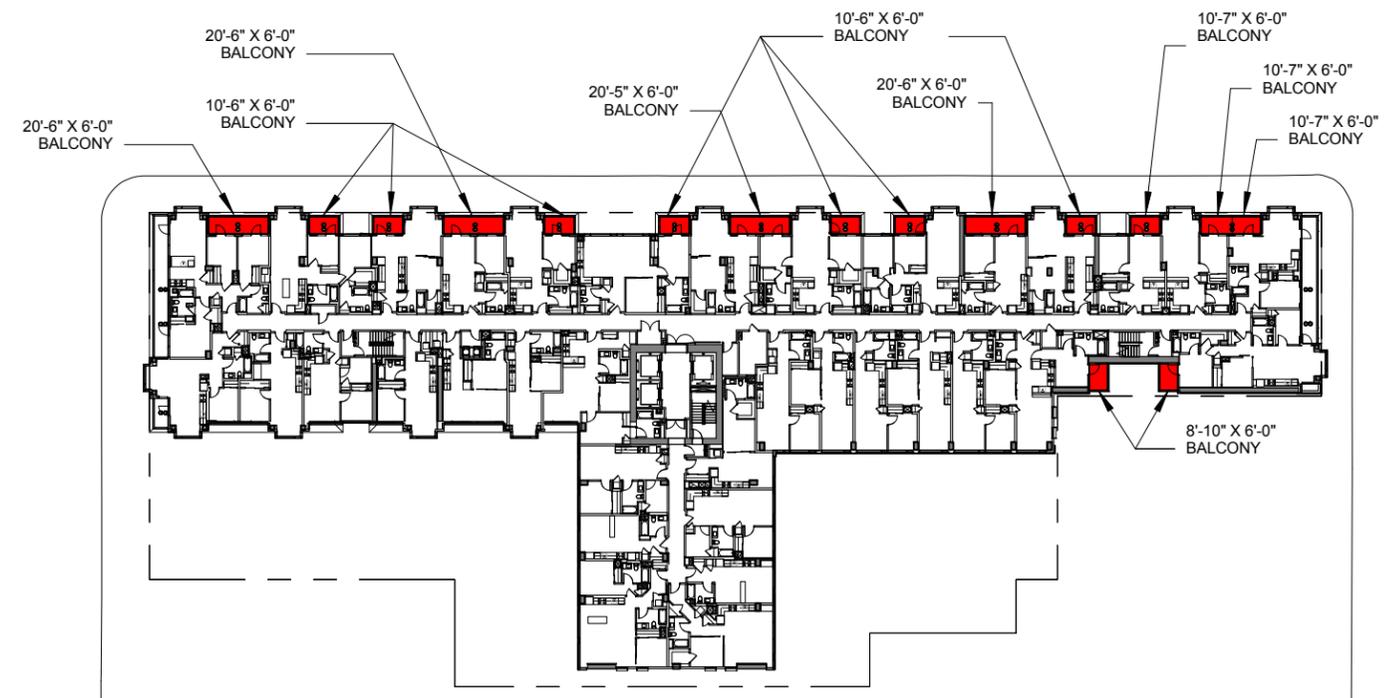
**ROOF PLAN - OPEN SPACE**

**PRIVATE BALCONIES - 0**



**LEVEL 13 PLAN - OPEN SPACE**

**PRIVATE BALCONIES - 2**



**LEVEL 12 PLAN - OPEN SPACE**

**PRIVATE BALCONIES - 16**

